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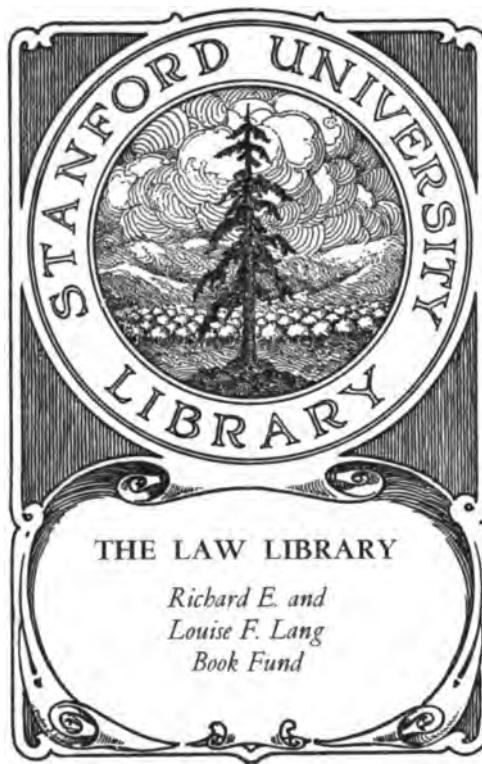
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Chancellor Kent
at Yale



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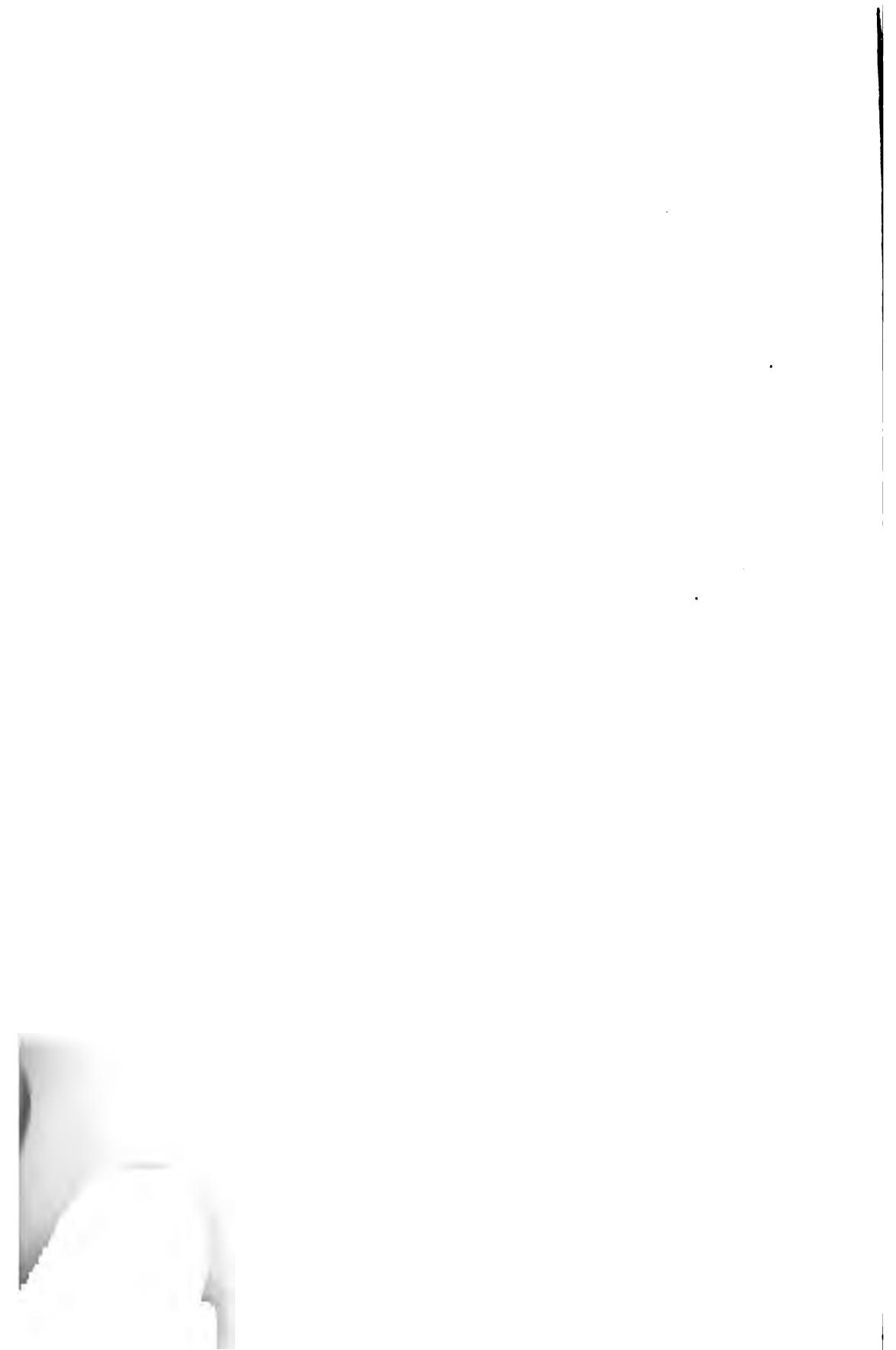
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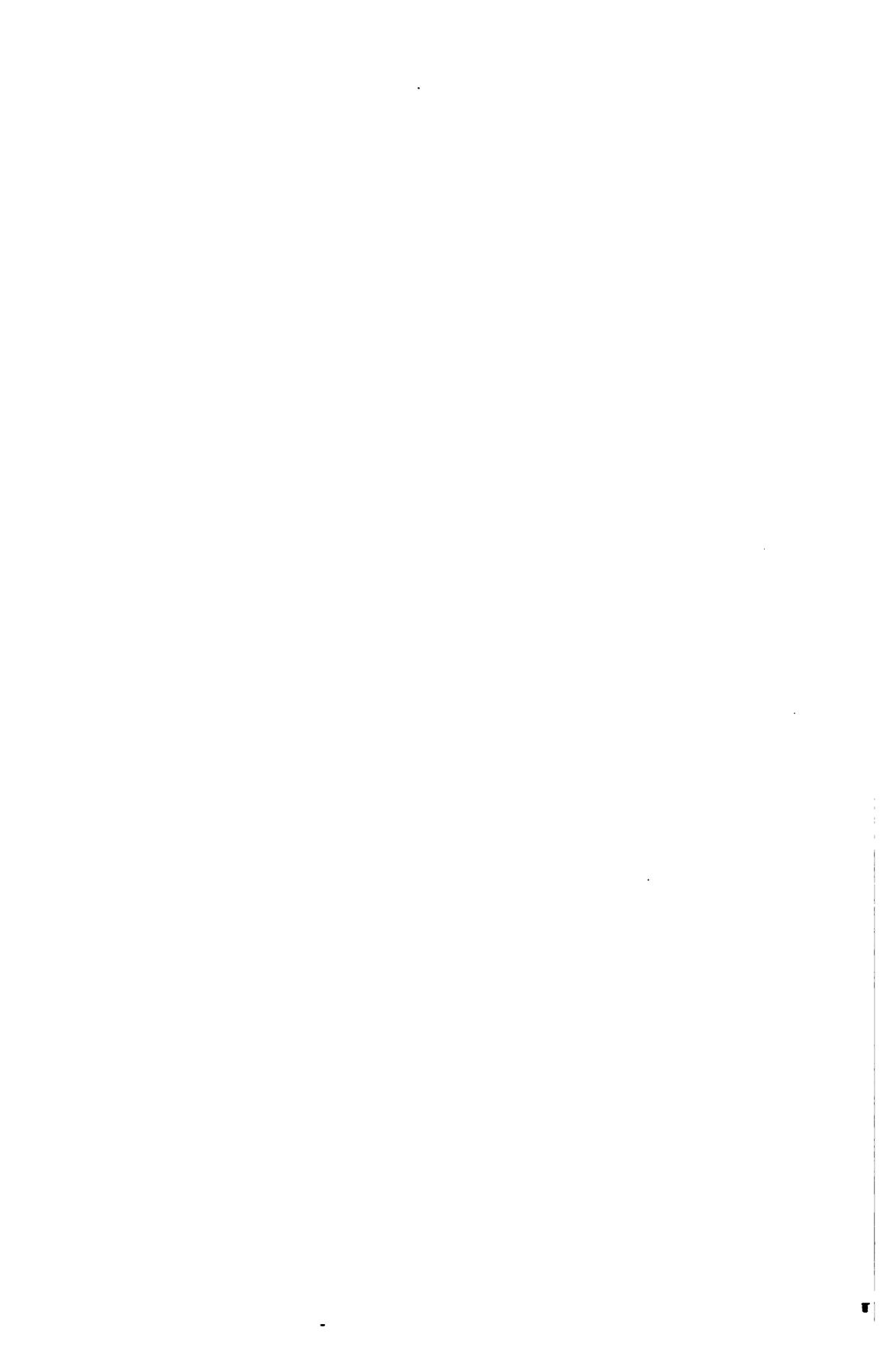






CHANCELLOR KENT

From the pastel portrait by James Sharpless
Made when the Chancellor was about twenty-five years of age
Original in the possession of Mr. William Kent
of Tuxedo Park, New York



CHANCELLOR KENT

AT YALE

1777-1781

A PAPER WRITTEN FOR THE YALE LAW JOURNAL

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MACGRANE COXE



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**CHANCELLOR KENT
AT YALE**

CHANCELLOR KENT AT YALE

I

CHANCELLOR KENT (Yale 1781) was essentially and typically a Yale man. In every step of his industrious and useful life he illustrated the training of Yale, and, on many occasions throughout that life, from the beginning to the end, he took occasion to give testimony of his indebtedness to his Alma Mater. He was a Yale man also by heredity. His father, Moss Kent, was a graduate of Yale of the Class of 1752.¹ His grandfather, the Rev. Elisha Kent, who was born in 1704, was also a graduate of Yale, of the Class of 1729.² He himself writes of his grandfather as "a Presbyterian minister who was well educated at Yale College,"³ and there can be no reasonable doubt, I think, but that the Chancellor's great-grandfather, John Kent, of Suffield, and the latter's father, Samuel Kent,⁴ the first American ancestor, who settled in Gloucester, Mass., in 1644, would also have been graduates of Yale had there been, in their day, any Yale to be graduated from!

I think that there is a general impression among many that the Chancellor was rather more related to our sister university of Columbia, but this is due undoubtedly to the fact that what may be said to be the crowning work, "the bright, consummate flow'r," of

1. *Biographical Sketches of the Graduates of Yale College with Annals of the College History* / By Franklin Bowditch Dexter / New York / Henry Holt & Company / (Hereinafter cited as *Dexter's Annals*.) Second Series, p. 287.

2. *Dexter's Annals*, First Series, p. 384.

3. *17 Magazine of American History*, 247.

4. *Dexter's Annals*, First Series, p. 384.

his distinguished labors were his immortal "Commentaries on American Law," which were the result of, and had their origin in, the justly celebrated course of lectures which he delivered at Columbia after his enforced retirement from the Bench at the age of sixty years, in 1823. But this merely illustrates the fact, of which we have no dearth of modern instances, that Columbia was then, as now, astute in the choice of the seminary from whence to draw its great teachers and administrators of the law. Its deservedly famous school of law was founded by a Yale man, Theodore W. Dwight, of the Yale Law School; and it is too well recognized to require comment that that school was established upon its sound foundation and reared to fame by the learning and ability of Dr. Dwight.¹ And, as we all know, that same school, at the present day, is ably presided over by its Dean, Prof. George W. Kirchwey, a Yale graduate of the famous Class of '79.

But no one can review the life, or study the writings, of Chancellor Kent without becoming impressed with the fact that he was essentially, in training and in character, a product of this university; and that he himself most abundantly admitted it and gloried in it. He peculiarly illustrated in his life and labors that spirit which we are proud to call, and I think, may justly and without undue arrogance call, the Yale spirit. In this we by no means mean to say that the spirit we thus cherish does not exist elsewhere. On the contrary, it does exist, and we are happy many a time and oft to recognize it, in our sister universities; but we love to think of it as particularly, perhaps, existent at "dear old Yale," where it is certainly ever zealously cultivated. His thoroughness of research, his steadfastness of purpose under adverse circumstances and prosperous alike, his abhorrence of, and entire freedom from sham or "posing" of any kind, his careful deliberation in weighing all the facts before reaching a conclusion, and above all, the cheerfulness and kindness that clarified and illumined all his life, these are the qualities which go to form what we love to call the spirit of Yale, and these are

1. The Columbia Law School was founded November 1, 1858, by Dr. Theodore W. Dwight (Yale, Law), and almost from the beginning attracted great attention and large numbers of students. By 1875, it had enrolled 573 students and was generally recognized as one of the first law schools of the country. *The Green Bag*, Vol. 1, p. 141. Dr. Dwight was at the head of this school thirty-three years, from its foundation in 1858 until 1891, the year previous to his death. *New International Encyclopædia*, Vol. VI, p. 557.

the qualities which are most manifest in the whole life of Chancellor Kent.¹

It would be far beyond the scope of such a paper as this, not to say immeasurably beyond the powers of your humble correspondent, to even attempt to do justice to the tremendous subject of the life and works of Chancellor Kent, but it has been thought that a brief review, somewhat historical in its nature, of the Chancellor and of his career, particularly as it touched most closely his Alma Mater, might not be uninteresting or unprofitable.

Mr. Joline, in his able and delightful paper on "Martin Van Buren, the Lawyer," which he read before the New York State Bar Association at its annual meeting in 1905,² tells us that it is a good thing for such an association as that, and I think it may be said that it may be equally a good thing for a professional journal like this, "to turn for a moment from the learned essays, of whose worth and dignity we are all profoundly sensible, in order to review by way of historical reminiscence the careers of those who adorn the first century of our jurisprudence. . . . Such studies may not add materially to the sum of our knowledge, but they are useful in the promotion of the brotherly spirit and of the professional pride which every well-constituted Bar should possess and cherish."

Mr. Justice Edward Patterson, Presiding Justice of the Appellate Division of the Supreme Court of the State of New York for the First Department, wrote in 1873 a "Sketch of the Law Institute," a large and excellent association of lawyers in the City of New York.³ In the course of that sketch, which will well repay perusal, Judge

1. Chancellor Kent was of a peculiarly happy disposition. He veritably seemed to revel in work and to rejoice in labor. One of his favorite lines was the encouraging exhortation of Aeneas to his fellows in the midst of their vicissitudes: "*Haec olim meminisse juvabit.*" *Aeneid*, Book I, v. 203. We find it inscribed in the Chancellor's handwriting in his diaries later referred to (*Kent Manuscripts, infra*, p. 6), and everywhere he gives evidence that he cherished and cultivated its spirit.

2. *The Autograph Hunter/and/Other Papers*/by Adrian Hoffman Joline/Privately printed/Alderbrink Press, Chicago/MCMVII/*Martin Van Buren, the Lawyer*, a paper read before the New York State Bar Association at its annual meeting, January, 1905. *Annual Report of the Association for 1905*. Vol. XXVIII, p. 182.

3. This sketch is, as may well be imagined, from the character and ability of its author, a most charming one, and may be found printed as an introduction to the catalogue of the Law Institute Library, published in 1874.

Patterson gives brief accounts—all too brief, alas, for us—of the various Presidents of the Institute, including Chancellor Kent, who was its first President (1828-1829); and in the course of this sketch Judge Patterson says that “of his [Kent’s] course at college we have no account.” This was true when Mr. Justice Patterson wrote his paper, but since then some interesting data have become accessible upon this period. In 1898, Chancellor Kent’s great-grandson, Mr. William Kent of Tuxedo Park, N. Y., wrote a most graceful and agreeable memoir of the life of his distinguished ancestor.¹ In 1891, there was published the diary of Dr. Ezra Stiles, who was President of Yale College during almost all of the four years that the Chancellor was a student there,² and, in 1904, through the generosity and public spirit of the family of the descendants of the Chancellor, a large and most valuable collection of manuscript letters, journals and other memoranda of the Chancellor, were deposited in the Library of Congress, and there have been, with the most loving and enlightened care, assorted and safeguarded in the Bureau of Manuscripts, under the direction of Mr. Worthington C. Ford. Among these manuscripts are quite a number which refer to the Chancellor’s life at Yale, and bear testimony to his high appreciation, increasing as life went on, of the advantages he derived from his course there. In a number of journals he recounts the details of visits to New Haven at Commencement times and at other times, during which his whole attention was devoted to the College and those connected with it.³

1. *Memoirs and Letters of James Kent, LL.D./late Chancellor of the State of New York/author of/Commentaries on American Law, etc./by his great-grandson/William Kent/of the New York Bar/Boston/Little, Brown & Company, 1898/(Hereinafter cited as *Memoirs*.)*

2. *The Literary Diary of Ezra Stiles, D.D., LL.D./President of Yale College./Edited under the authority of the corporation of Yale University/by Franklin Bowditch Dexter, M.A./Three volumes, 1769-1781.) New York/Charles Scribner’s Sons/1901/(Hereinafter cited as *Stiles’ Diary*.)*

3. These manuscripts of Chancellor Kent were given to the Library of Congress in 1904 by Messrs. William and Edwin C. Kent of Tuxedo Park, N. Y., the great-grandsons of the Chancellor. The letters have been arranged and mounted in eleven volumes. There are about 970 of them, some from the most distinguished men of the time, including Daniel Webster, Henry Clay, John Quincy Adams, William Wirt, Charles Sumner, William H. Seward and Charles O’Conor. The journals or diaries were kept by the Chancellor in small, plain, blank books. There are fourteen of these, and each is preserved in a stiff, leather-covered box. They cover a period, not continuously, from

Thus it is that we are enabled to get at first hand some insight into the life of the boy who was to become the immortal man.

Chancellor Kent was born July 31, 1763, at the house of his father, Moss Kent, in the Precinct of Fredericksburgh, in the County of Dutchess, State of New York.¹ At the age of five years, he was sent to Norwalk, Conn., to school. Here he lived with his grandfather (his mother's father), Dr. Uriah Rogers, a physician of Norwalk, until the spring of 1772, and, as he says himself: "passed nearly four years in an English school and in innocent and youthful sports." He adds that "the government of my grandfather was pretty strict; his family, after the manner of the day, was orderly, quiet and religious."² When he was about nine years old, on the 28th of July, 1772, he went to reside with his uncle, John Kane, Esq., in Pawling Precinct,³ and here he continued his studies, and, as he tells us, "commenced to study Cordery⁴ and the Latin tongue."⁵ He remained there until April, 1773, and was then sent to Danbury

1797 to 1847, the year of his death, in the eighty-fourth year of his age. Among the memoranda is an interesting paper in the handwriting of the Chancellor, entitled by him, *Chronological Memoranda*, giving the dates of the principal events in his life from his birth until his second appointment as Professor of Law in Columbia College, after his enforced retirement from the Bench at the age of sixty, in 1823. See Note, page 24, *infra*. (The manuscripts will hereafter be cited as *Kent Manuscripts*.)

1. The particular region, after the manner of the rural communities of that day, was then known as "the Oblong." It is at present the village of Doanesburg in the Town of South-East, County of Putnam, N. Y., on the Connecticut border. The territory now embraced in the Town of South-East was originally known as Phillips' Patent, and afterwards as Phillipi. This was its name at the time the future Chancellor entered Yale; and thus it is that we find him entered on Dr. Stiles' roster as Jacobus Kent—Phillipi. *Infra*, p. 11. *The Birthplace of Chancellor Kent*, etc., a paper by William S. Pelletreau, containing an interesting letter by the Chancellor, with autograph maps of the region of his birth, written in 1846 to his cousin, John Cullen Van Rensselaer, Esquire, 17 *Magazine of Am. History*, 285.

2. The Chancellor's memorandum account of the principal events in his life. *Kent Manuscripts*, Vol III. *Memoirs*, p. 7.

3. Mr. Kane had married Sybil, one of the sisters of the Chancellor's father, and from this union are descended the distinguished family of the name in the State of New York, including Dr. Elisha Kent Kane, the famous Arctic explorer, and Mr. Grenville Kane of Tuxedo Park, N. Y.

4. *Corderius Maturin, Select Century of Corderius' Colloquies, Latin and English*, by John Clarke. London. 12mo. *Lowndes' Bibliographer's Manual of English Literature* (1858) Vol. I, p. 523.

5. *Memoirs*, p. 7.

to a Latin school under the Rev. Ebenezer Baldwin (Yale 1763),¹ a learned, gallant and distinguished brother of the Chancellor's beloved friend and classmate, the equally learned and distinguished Judge Simeon Baldwin (Yale 1781),² who was the grandfather of the Hon. Simeon E. Baldwin, at the present time Chief Justice of the Supreme Court of Errors of Connecticut, and an honored and beloved professor in our own law school. Chancellor Kent has told us something of the high regard and affection he felt for this preceptor in the address which he delivered before the Phi Beta Kappa Society at New Haven upon the occasion of the fiftieth reunion of his class in 1831.³

At the risk of prolonging this article unduly I must ask you to pause with me to hear these words, for they seem to me in a remarkable degree to reflect honor equally upon the orator and his subject, and upon the Alma Mater which nourished and trained them both.

After giving us an account of the origin and foundation of the College and of its distinguished founders and of its Presidents, the speaker calls our attention to the fact that it is not only to the Presidents that we owe our debt of gratitude, but that the instructors as well, in more humble spheres, contribute in an invaluable degree to the development of the student.

"The tutors," he tells us, "in every period of the College history, have been very efficient instructors, and though many of them have been, at the time, 'to Fortune and to Fame unknown,' yet it is certain that the College has been much indebted for the elevation of the standard of moral sentiment, for the cultivation of correct taste, and for the formation of some of the most illustrious of its pupils, to the diligent, steady, painful and unobtrusive counsel and efforts of that meritorious class of teachers."

And then it is that, having mentioned Mr. Baldwin as among these tutors, the learned Chancellor continues as follows:

And suffer me for a moment to bring to recollection from among this class of men, the Reverend Ebenezer Baldwin, of Danbury, for it is to that great and excellent man that the individual, who has now the honor to address you, stands indebted for the best part of his early classical instruction.

1. *Dexter's Annals*, Third Series, p. 4.

2. *Dexter's Annals*, Fourth Series, p. 178.

3. An/Address/Delivered at New Haven/Before the Phi Beta Kappa Society/September 13, 1831/by James Kent/New Haven./Printed by Hezekiah Howe/1831./Published at the request of the Φ B. K. Society/A printed copy may be found in the Yale University Library.

Mr. Baldwin was a tutor in this College for the period of four years, and he settled as a minister in the First Congregational Church in Danbury, in the year 1770. He was a scholar and a gentleman, of the fairest and brightest hopes. He was accustomed to read daily a portion of the Hebrew Scriptures and he was extensively acquainted with Greek and Roman Literature.

His style of preaching was simple, earnest and forcible, with the most commanding and the most graceful dignity of manner; and if I can trust to my own memory, he was pursuing in the pulpit a steady, methodical and comprehensive view of the whole system of Christian Theology. His zeal for learning was ardent, and his acquisitions and reputation rapidly increasing, when he was doomed to fall prematurely in the flower of his age, and while engaged in his country's service. Though his career was painfully short, he had lived long enough to attract general notice and the highest respect by his piety, his learning, his judgment and his patriotism. Mr. Baldwin took an enlightened and active interest in the rise and early progress of the American Revolution. His Thanksgiving Sermon in the Autumn of 1775 was so excellent, so encouraging and so appropriate that it was called for and printed at the expense of a leading member of the Episcopal Church and it now remains deposited among the documents of the New York Historical Society.¹ In the impending and gloomy campaign of 1776 he was incessant in his efforts to cheer and animate his townsmen to join the militia, which were called out in the defense of New York. To give weight to his eloquent exhortations, he added that of his heroic example. He went, voluntarily, as a Chaplain to one of the militia regiments. His office was pacific, but he nevertheless arrayed himself in military armor. I was present when he firmly and cheerfully bade adieu to his devoted parishioners and affectionate pupils. This was about the first of August, 1776, and what a moment in the annals of the country! There never was a period more awful and portentous. It was the very crisis of our destiny. No occasion could have afforded better proof, or a more unerring test of a patriot's zeal and magnanimous devotion. The defense of New York had then become desperate. An enemy's army of thirty thousand men, well disciplined and well equipped, was in this vicinity ready to overwhelm it. General Washington,

1. The text of this sermon was from Habakkuk III: 17-18:

"Although the Fig Tree shall not blossom, neither shall Fruit be in the Vines, the Labour of the Olive shall fail, and the Fields shall yield no Meat; the Flock shall be cut off from the Fold, and there shall be no Herd in the Stalls: yet I will rejoice in the Lord, I will joy in the God of my Salvation."

This sermon was printed in 1776 in a pamphlet of 42 pages, and may be found in the New York Historical Society's *Bound Pamphlets*, Vol. 551. The title page of the pamphlet is as follows:

The Duty of Rejoicing/under/Calamities and Afflictions/considered and improved/in a/Sermon/preached at/Danbury/November 16, 1775/A day set apart for Thanksgiving in/The Colony of/Connecticut/by Ebenezer Baldwin A.M./Pastor of the First Church of Christ in Danbury/New York/Printed by Hugh Gaine, Bookseller and/Stationer, at the Bible and Crown/in Hanover Square/1776/.

in his letter to Congress of the third of August, stated that his army fell short of eighteen thousand men, and part of them were extremely sickly, and that the circumstances around him were melancholy and distressing. Mr. Baldwin was in the American camp, in the suburbs of New York, when the British Army landed on Long Island in the night of the 21st of August, and I heard his letter read at the time containing the notice of that event and of the awful thunder-storm which accompanied it, and hung over the camp for hours, spreading terror and death, as if the physical as well as moral elements of destruction were involved in angry commotion. Defeats, retreats and sickness disheartened and rapidly reduced and dispersed our little army, part of which had been miserably equipped and wasted by disease even from the beginning of that terrible campaign. The thirteen or fourteen regiments of Connecticut Militia, scantly filled in the first instance, soon became fatally reduced by sickness, insubordination and impatience under the service; and they were finally discharged on the 24th of September. Mr. Baldwin fell a victim to the sickness that prevailed in the army, and he had only strength sufficient to reach home, where he died on the first of October, 1776, at the age of thirty-two, honored by the deepest sympathies of his own people and with the public veneration and sorrow.

At the time of the death of the Rev. Mr. Baldwin, Chancellor Kent was in his thirteenth year, and had read, he tells us, *Eutropius*, *Justin* and *Cornelius Nepos* and *Virgil* and had made progress in Latin exercises. After the death of Mr. Baldwin he continued his studies under Mr. Ebenezer White at Danbury, Mr. Ross at Stratfield, and again with Mr. White at Newton, until he entered Yale College in September, 1777. It will be observed that he was then about one month more than fourteen years of age.

President Daggett was then rounding out his term of eleven years as President of the College, and in March, 1778, Dr. Stiles accepted the office of President, being inducted into that station on the 8th of July following. Under date of that day President Stiles made up a catalogue of the faculty and students of the College as they then existed¹ and there we find² the Class of 1781 enrolled as "Recentes." This seems to me a much nicer designation than the word we now use! Why should it have been changed? If it had not, how many of us would have been spared the little sting of mortification when our friends addressed us in the days when we felt, perhaps, more important than at any other time in our lives since, by the sarcastically intoned name of "Freshman!"

1. *Stiles' Diary*, Vol. II, p. 284.

2. *Idem*, p. 286.

Well, these "Recentes" were twenty-nine in number and among them we find "Jacobus Kent—Phillipi."¹

As is well known, the work of the students of the College was frequently interrupted during the Revolutionary War by the military operations in the vicinity of New Haven. The Chancellor tells us himself in a note to the *Phi B. K.* oration that he was in New Haven and saw the British troops in the act of landing at West Haven early on the morning of July 5th, 1779. He tells us that James Hillhouse, who was graduated in 1773, and was in after-life a Senator in Congress from Connecticut and "who still lives as venerable for his moral worth and goodness as he has through life been admired for zealous, distinguished and disinterested public service," commanded on that day the 2nd Company of the Governor's Foot Guards; and that they, by their prompt co-operation with the militia and volunteers, compelled the British troops to take a circuitous route of nine miles before they could enter and plunder the town. The Chancellor adds that among the volunteers were former President Daggett, "who fought, was wounded, taken prisoner and maltreated."²

The inauguration of President Stiles on July 8, 1778, marked the reassembling of the College after a long period of dispersion, and Dr. Stiles, in his inaugural address, took occasion to congratulate his audience upon that fact. But it was again dispersed in July, 1779, and, during the whole period of Chancellor Kent's attendance between September, 1777, and September, 1781, the College was not open for regular work more than half the usual time; and, indeed, President Stiles tells us that the Commencement at which Chancellor Kent's class was graduated, September 12, 1781, was the first public Commencement in his Presidency and the first public Commencement during a period of seven years.³

Chancellor Kent thus describes the condition of the College:

1. See page 7, *supra*, note. President Stiles in this catalogue tells us that on July 15, 1778, Yale College consisted of 132 students, of which 123 were present and 9 were absent. *Idem*, p. 286.

2. *Phi Beta Kappa Oration*, p. 39. For a more prolonged account reference may be made to a work entitled *Yale and her Honor Roll in the American Revolution, 1775-1783*, including original letters, record of service and biographical sketches by Henry P. Johnston, New York, Privately printed 1888, Press of G. P. Putnam's Sons, New York.

3. *Stiles' Diary*, Vol. II, p. 554.

The country was so unsettled and disturbed from 1776 to 1781, and the means of subsistence were so difficult that the College was not open and in regular exercise more than half the usual time. But even the collegiate terms, broken and interrupted as they were, proved sufficient to give the students a taste for classical learning and philosophical science, and to teach them how to cultivate their own resources in the various pursuits and duties of life. President Stiles' zeal for civil and religious liberty was kindled at the altar of the English and New England Puritans and it was animating and vivid. A more constant and devoted friend to the Revolution and independence of this country never existed. He had anticipated it as early as the year 1760 and his whole soul was enlisted in favor of every measure which led on gradually to the formation and establishment of the American Union. The frequent appeals which he was accustomed to make to the heads and hearts of his pupils, concerning the slippery paths of youth, the grave duties of life, the responsibilities of man, and the perils and hopes and honors and destiny of our country, will never be forgotten by those who heard them; and especially when he came to touch, as he often did, with "a master's hand and prophet's fire" on the bright vision of the future prosperity and splendor of the United States.¹

In this respect, also, Judge Simeon Baldwin, in his letter to the Hon. William Kent, to which we shall presently refer again, said:

It will be remembered we were in college during part of the Revolutionary War, and all the classes were for a time convened for safety in separate country towns, in the center of the State. James Kent and myself joined the class in Glastonbury, under the care of Professor Strong as tutor, and continued together until the January vacation; were then dismissed and not called together again until June of the next year. We then met at New Haven and Dr. Stiles was inaugurated President.²

Yes, we can gather that President Stiles made frequent appeals to the students concerning "the slippery paths of youth" and "the grave duties of life" from an inspection of his own diary. Thus, under date of February 24, 1781, we find the following entry:

I gave three theological discourses this day as usual on Saturdays. At 11 o'clock I explained Vincent on Catechism to the Senior Class. In the afternoon a lecture to a select number of serious scholars, about 20, in the library from all the classes. At evening prayers I expounded a Chapter in the Confession of Faith, publickly, in the Chapel. The good Lord accompany with a blessing my Endeavours to impregnate the Minds of my pupils with doctrinal and experimental Knowledge in Divine and Heavenly things.

And under date of February 17, we find the following:

1. *Phi Beta Kappa Oration*, p. 41.
2. *Memoirs*, p. 12.

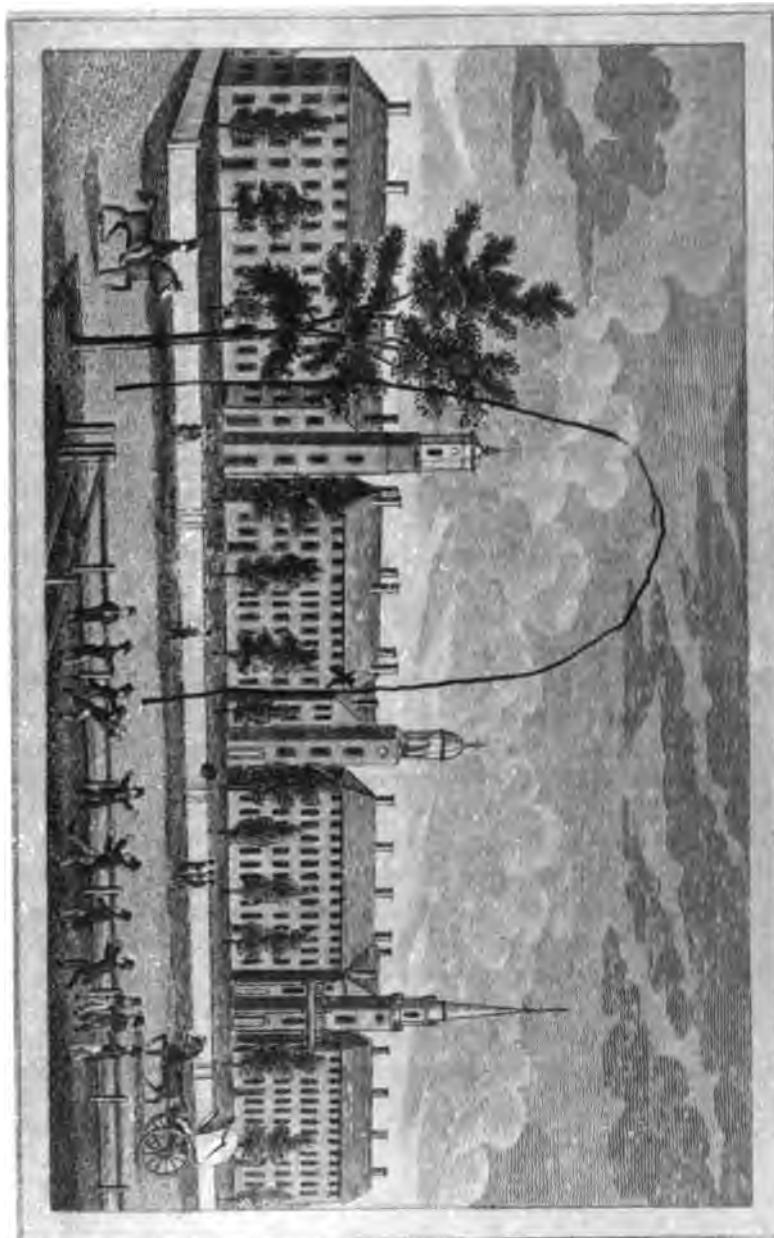


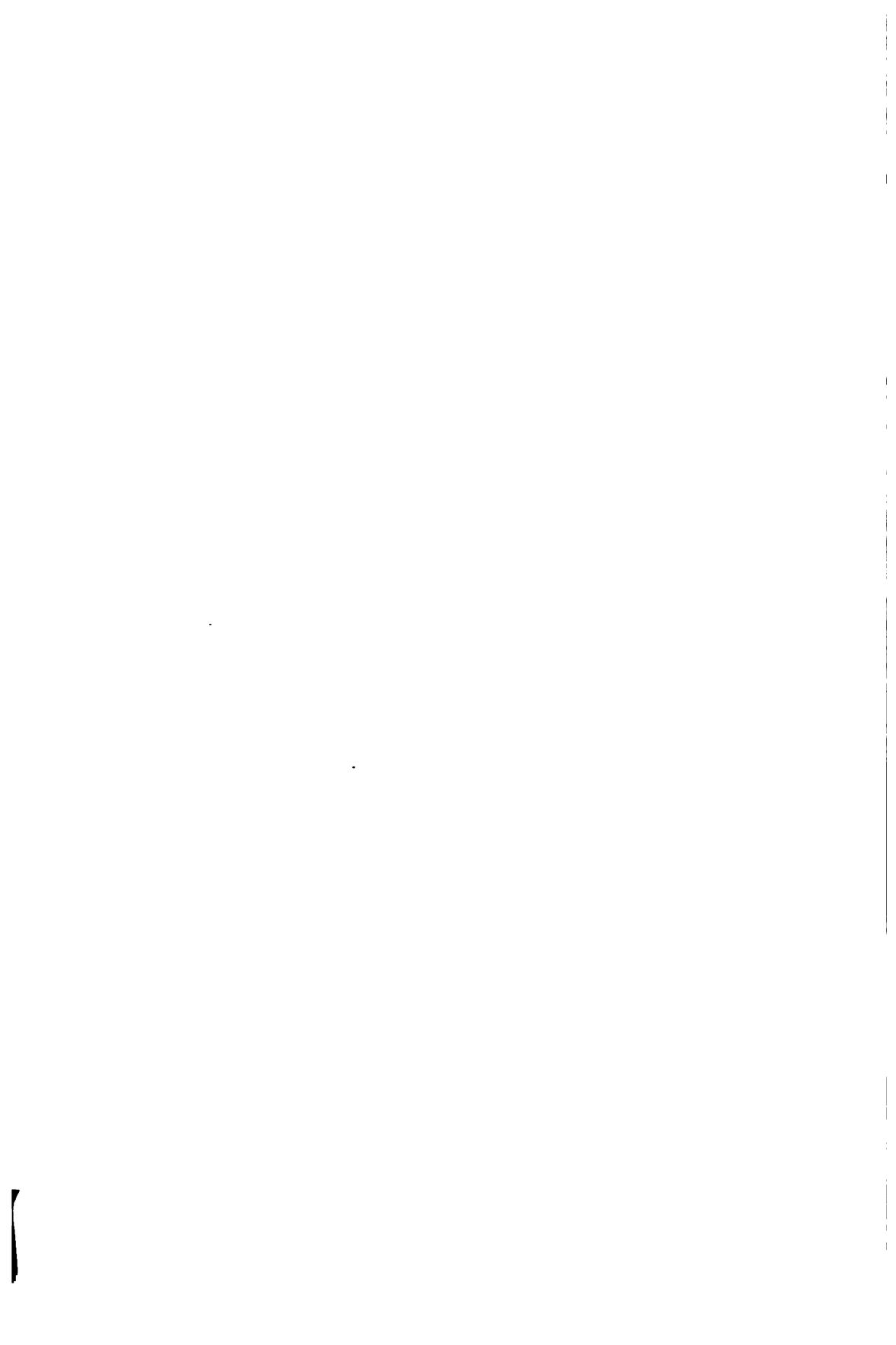
When I lived at Yale College
from July 1778 to September 1781
the only buildings now standing
were the Chapel & Concerting
Hall being the two buildings
embraced within my black
lines. The tall spire of
the Chapel has since been taken
down, & a shorter tower substituted.
So the 4th story of Connetical
Hall was then with gamble
windows to the roof. During
my two last year's residence
I lived in the 4th story, front side
No. Room, marked thus &

Facsimile of Chancellor Kent's note in Barber's New Haven
See page 13 and Note 4 on same page.

YALE COLLEGE.

The College Buildings of 1831
See page 13 and Note 4 on same page.





This Aft. a Chamber theol. Lecture—Subject Whether there are any Promises to the Doings of the Unregenerate.¹

President Stiles also gives us a roster of the students by classes for the year 1779-1780, and here he gives us² the location of their rooms. By this time the Chancellor's class had become Juniors and their numbers had been reduced to twenty-six from the number of twenty-nine which they possessed when "Recentes." We find that the Chancellor occupied room 14-E. This was in the only dormitory building then existing, which was then known as Connecticut Hall, afterwards known and hallowed to the memory of myriads of Yale Sophomores as old "South Middle." President Stiles tells us that 14-E meant room No. 14 on the east front of the building³ and Chancellor Kent, in later years, confirms the fact by many visits he paid to this same room.

In 1831, the year when the Chancellor returned and delivered the Phi Beta Kappa oration, there was published in New Haven an illustrated duodecimo volume upon the history and antiquities of that town.⁴ Chancellor Kent purchased a copy, and, following his delightful custom, so valuable to posterity, he copiously annotated it. This copy, replete with the most interesting notes and comments by its distinguished owner, is now in the possession of his great-grandson and biographer, Mr. William Kent, of Tuxedo Park, and to his generosity am I deeply indebted for being able to illustrate these pages with a few of the pictures from this book, rendered more interesting and illuminating by the autograph notes of the Chancellor.

The facsimile, here given from Barber's *New Haven*, together with the Chancellor's note in relation to it, gives, it will be seen, a clear and vivid idea of the buildings as they existed, not only in 1831, but in 1777-1781, and it will be noted that here Chancellor Kent marks his room, No. 14-E., as being the one on the northeast corner of the top floor of Connecticut Hall. As is well known, at least to every son of Yale, there is to-day in that room upon the west side of the mantle-piece a tablet commemorating the

1. *Stiles' Diary*, Vol. II, p. 512.

2. *Stiles' Diary*, Vol. II, p. 428.

3. *Idem*.

4. *History and Antiquities of New Haven*. (Conn.) from its earliest settlement to the present time./Collected and compiled/ from the most authentic sources/by J. W. Barber./Illustrated with engravings./New Haven/1831/

fact that there Chancellor Kent lived during the years 1780 and 1781; and on the east side of the mantle-piece is another tablet commemorating the fact that, in the same room, nearly forty years after, lived, during his college days, the venerable and honored Theodore Dwight Woolsey (Yale 1820) from 1846 to 1871, President of Yale.¹

Again, under date of June 22, 1781, Dr. Stiles, with his methodical care, made a catalogue of students with their classes and rooms for the year 1780-1781, and here our friends are Seniors and there are twenty-five of them, the number that were graduated.

Chancellor Kent, although a prolific writer on most other important subjects, wrote but little of himself. In the manuscript sketch of his life, to which we have referred, he devotes but a few lines to his college course.² But most fortunately for us, sixty-seven years later, in February, 1848, his distinguished classmate, Judge Baldwin, to whom reference has been made, in a letter addressed to the Hon. William Kent, the son of the Chancellor,³ supplied a charming and interesting account of the Chancellor's college life, which, in his own memoranda, the Chancellor himself dismissed with but a few words. Space will not permit my incorporating all of this interesting letter here, but it is well worth perusing *in toto* and can be found in Mr. William Kent's "Memoirs" at page 9. I cannot refrain, however, from quoting a few words from Judge Baldwin's mature estimate of his classmate. He says that he was first introduced to James Kent on the first Monday in May, 1773, at Danbury, that he was then about ten years of age, the youngest of the school, and "a friendly, social, innocently playful boy, beloved by all who knew little Jimmie Kent, as he was familiarly called."

1. In his journal of his "Excursion to New Haven," September 12-15, 1831, when he went there to deliver the *B. K. Oration*, the Chancellor tells us that, on that occasion, he ascended and visited this room, and adds: "My room-mates, when I was Sophomore, were Noyes and Tomlinson, and when I was Senior, they were Noyes and Wright, and they are all alive." *Kent Manuscripts*, Journal No. 10, 1829-1831. *Infra*, pages 29-30.

2. *Kent Manuscripts*, Vol. III.

3. The Hon. William Kent, the Chancellor's only son, was a distinguished practitioner at the New York Bar, being for a time a partner of the Hon. Henry E. Davies, afterwards Chief Judge of the Court of Appeals. In 1841, Mr. William Kent became a Justice of the Supreme Court of the State of New York, and in 1846, he was appointed to the Professorship in Law at Harvard University, which had been theretofore held by Mr. Justice Story.

Judge Baldwin says that he was studious and attentive to all the rules of the school and a good scholar in all the branches taught, and then continues :

We were then [after the death of the Rev. Ebenezer Baldwin, October 1, 1776] separated for one year and met as Freshmen of Yale College in 1777. Our class was small, consisting of young men grown up, most of them much older than either of us.¹ He, I think, was the youngest of the class, but was better fitted for his standing than most of them. While we were members of college the students were often dispersed and their studies interrupted in consequence of the war, but he still kept his standing in his class, and, to say the least, in all the classical studies, he ranked among the best. In history, in the *belles-lettres* studies, and in reading generally, he excelled them all. His attention to what he read was strict, and his memory was uncommonly retentive. It was the common remark of his companions that they could generally tell the author he last read by the style and matter of his next composition.

He wrote his compositions with great care, and in a pleasing, flowing style. But the rapid flow of his ideas often embarrassed him in public speaking, whether extemporary or *memoriter*. When preparing for public speaking, he has often requested me to hear him rehearse, and, by signal, to check him when speaking too rapidly, as he generally would, without knowing it, when he felt the spirit of the subject. On these occasions, when often checked, I have known him to sit down and weep; but he would try again and again, and by repeated trials, did learn, in a great measure, to regulate the rapidity of his speech, which, without attention, would, at times, be unintelligible. He left College universally beloved by his class and ranked as a scholar among the first.

Unfortunately, the "Kent Manuscripts" in the Library of Congress do not contain any letters of the future Chancellor written during his college years, nor have I been able to find any elsewhere. But those manuscripts do contain nine letters written to him by his father between December 4, 1779, and August 29, 1781, which manifestly bear witness to the sweet and confidential relations existing between the father and the son, and serve to make us all the more regretful that we cannot know the letters of the son to the father which drew them forth. These letters seem to me so interesting that, at the risk of encroaching unduly upon space, I shall venture to set them out here just as they appear in the originals. They are all

1. Judge Baldwin was born in Norwich, December 14, 1761, and was now, therefore, but sixteen years of age. Kent, as we have seen, was but fourteen.

addressed to "James Kent, student at Yale College in New Haven," and all bear the endorsement in the young man's hand, with the date of each, "From my Father."

DEAR SON:

I Received your Letter of the 16th Ult. and also yours of 30th by the Post and shou'd have sent you those Articles you requested sooner, could I have got 'em. But I have since procured 'em by Loan except the Scale & Dividers, but I suppose your Scale & Dividers & Mr. Hazard's are at Mr. Crosby's at Philippi & I shall go up there in a few Days & hope to find 'em. You must endeavour to borrow or buy 'em at New Haven if they can't be found at Philippi. I send you by the Post 2 Vols Martin's Philosophy & Atkinson's Epitome also 100 Dollars and my black Jackett which I wou'd have got made at New Haven if you can buy Lining for I can get none here. I expect to go to Hartford within 3 or 4 Weekes after Mony and then hope to supply you with more. I hope you will make a wise Improvement of the Advantages you enjoy and be ever mindfull of the one Thing needfull.²

I am my dear Son your

Affectionate Father
(Signed) MOSS KENT.

MY DEAR SON

CAMPO YE 3D MAY, 1780.

I send you by Mr. Taylor the Post a Horse ye saddle bags and 91 Continental Dollars and I would have you get leave of the President to come home tomorrow so as not to be on expense with the Horse. I wish you wo'd buy Loweth's Grammar, and call at Curtiss's Tavern at Stratford and get a Bag with Some Hay Seed in it that I paid for Last Summer and bring it with you.

I am your Affectionate Father

(Signed) MOSS KENT.

MY DEAR SON

CAMPO YE 26TH Dec. 1780.

I send you by Mr. Taylor the Post £2:15:9 State mony & a paper of Ink powder & a Blankett. I have not got my Leather Curried yet so that I co'd not get you a pair of shoes—& if you can't do without a pair Immediately you must buy a pair at N. Haven perhaps it may be a fortnight before I can get 'em made. I have but this day dismis'd the mason and workmen. Polly has rec'd [torn out] Letters from her husband. His brother John [has] come to Philadelphia about 6 weeks ago & is daily expected here I wish you could be at home when he is here.

I am your affectionate Father

(Signed) MOSS KENT.

1. A village in the Parish of Green's Farms in Fairfield County, Connecticut, the home of the Chancellor's father at this time. *Dexter's Annals*, Second Series, p. 288.

2. To sit at Jesus' feet and hear His word.—St. Luke 10: 42, 39.

MY DEAR SON

CAMPO YE 9TH JANY 1781.

I send you by Mr. Taylor ye Post. 25/ & Wo'd Inform you we are all well. If you are willing to come home & see us I would have you hire a Horse if you can conveniently. I can keep the Horse well. You may invite one of your Classmates to come home with you. Mr. John Henderson is not yet come we expect him daily.

I am your loving Father

(Signed) MOSS KENT.

MY DEAR SON

28TH FEB. 1781.

Inclosed I send you £4:2:9 State mony which is all the mony I have at present to spare which I hope will ans'r for a little while. You'll write me as you want it, & I shall endeavour to supply you. It gives me pleasure to do for my dear Children. I hope you will improve yr Time to the best advantage & be sure dont forget the one Thing needfull.¹ Strive to get yt Wisdom yt is from above, for if in this Life we only have hope, we are of all Creatures the most Miserable. I shall get you a pair of Shoes made in a few days. Mrs. Henderson rec'd a Letter Yesterday from her brother John. Dat: ye 1st: Instant. He says it is uncertain when he shall come as he is detained in transacting Business with Congress. The affairs of Congress with their Agent at New Orleans is committed wholly to Mr. John Henderson which is the cause of his being detained at Philadelphia. And indeed a great Betrustment for such a Youth.

I am your Loving Father

(Signed) MOSS KENT.

MY DEAR SON

GREENFARMS 30TH AP. 1781.

I send you a Horse & saddle & Bags by Mr. Tyler & have wrote to the President to let you come Home on Fryday next—Mr. Tyler will deliver you the horse in the forenoon on Fryday as he must ride him home, & bring him down on Fryday—I wo'd have you bring home every Article of Clothing you have in your custody.

I send you 12/ in silver mony & £4:3:0 in State mony which is all I had by me—hope it may answer your end. I have wrote to the Steward Mr. Attwater to send me a copy of my account current, you'll call on him for it to bring to me. I wish you cou'd buy some black Ball & bring home & a cake of shaving soap.

We have had a most agreeable visit from John Henderson for 14 days—A very accomplished Gentleman indeed. He wanted very much to see you.

I am your Loving Father

(Signed) MOSS KENT.

P. S. Your Classmate Isaacs was taken off by the enemy Sunday night.

1. *Idem, supra*, p. 16, note.

MY SON

WEDNESDAY MORNING 18TH JULY, 1781.

Mr. Taylor the Post wanted my Waggon to bring some Rum from N. Haven. Therefore I thought it best to let him a Horse to go in the Waggon & for you to ride in the Waggon with him & bring home your bed & other Furniture.

I send you 17/ hard mony & wish you wo'd buy me 2 pair of shoe Buckells one for me & the other for Moss, cheap string ones—such as you think suitable for us. I think it best & cheapest Time to get home Your things now—

I am yr. Loving Father

(Signed) MOSS KENT.

MY DEAR SON

15TH AUGT. 1781.

I send you by Mr. Taylor the Post 10 hard Dollars which Mr. Deliverance Bennett was so kind as to lend me. I also send you those Buttons which I suppose you forgot to take along with you—I wo'd have you write me a line by the Post & let me know whether you got those Guineas from Capt. Thorp, & if you are like to get a suit of Cloathes, & what you want from me. I shall endeavour to get all the money I possibly can for you.—

from your affectionate Father

(Signed) MOSS KENT.

MY DEAR SON

29TH AUGT. 1781.

I have sent by yr. Brother [sic] Saml Hazard £3.0.0 to Mr. Chipman in part payment of the goods you had of him & also £3.18.0 to Mr. Attwater & have wrote to him to wait till I can turn wheat into money for the rest, & to let the President know that he is made easy, which I hope will quiet him. I wish you wo'd speak to Col. Drake & give my compliments to him—& see whether he would entertain your sisters, as they have a mind to come to Commencement.

from yr. affectionate Father

(Signed) MOSS KENT.

It seems beyond question from these letters that the same gentle, kindly and cheerful spirit, which, we have abundant evidence, the Chancellor exhibited toward all others, he also cherished and cultivated toward his father and his family, and in this connection and as illustrative of this fact, I venture to extract a letter which, many years afterwards, when a Justice of the Supreme Court of the State of New York, the Chancellor wrote from Albany where he was then residing to his brother, the namesake of his father, Moss Kent, then a Senator-elect of the State of New York. The Senator had accepted an invitation from Judge Kent to make his home with the latter during the session of the Senate, and, in response to a recent

letter of Moss Kent stating the pleasant anticipations with which he looked forward to this visit, the Chancellor replied as follows:

DEAR BROTHER:

ALBANY, DECR 20TH, 1799.

Your letter is received and Elisha Kane says he executed your business with the Clerk and forwarded the Bills of Costs to Arch. Kane at Canajoharie. You cannot possibly anticipate with more pleasure than we do the approach of the third and last Tuesday in January. This past month of December has been rather solitary to us and I reckon upon your living with me with the utmost pleasure. We are preparing everything to make your accommodations comfortable and pleasant. Yesterday your sister put up the curtains of your bed and prepared the room for you. My cellar is filled with provisions and my yard with wood. The Rumford fire place answers its end admirably and the office is always warm.

As the term approaches I am studying my cases and there are some very important questions that we judges are discussing and settling. I have, however, finished Butler's and Hargrave's Co Litt. and Juvenal almost, in addition to a great deal of miscellaneous reading and avocation and a good portion of visits. If you can any ways conveniently finish your county court business you had better be here early or the first week in term and attend the arguments in court. I have no doubt you will be well repaid by information. The second week the Senate meets and you will have your attention dissipated. The great Le Guen cause is to come before the Senate this winter and you will have to decide perhaps on very important points as an appellate judge.

Your sister and little Bess are well and anxious to have you come.

Your Affte.

(Signed) J. KENT.¹

And it is this kind and gentle and cheerful quality which caused the Hon. Philip Hone, distinguished citizen and Mayor of New York, to write of Chancellor Kent in the latter's seventy-second year as follows:

I would that Heaven had made *me* such a man. . . . His constitution sound, the happy result of good habits and a cheerful disposition, and the consciousness of purity of heart and uniformly virtuous intentions. I do not know so perfect a model as Chancellor Kent, or a man so much to be envied.²

But the Commencement exercises of the Class of 1781 must have been rather a serious matter, for President Stiles makes the following reference to them under date of September 12, 1781:

1. *Kent Manuscripts*, Vol. I.

2. *The Diary of Philip Hone, 1828-1851*. Edited, with an introduction, by Bayard Cutting. New York. Dodd, Mead & Co., 1889. Two Volumes. Vol. I, p. 124.

Public commencement here. The first public Commencement in my Presidency. Exercises 3 hours in the forenoon & 3 hours P. M. I conferred the academic degrees upon 25 Bachelors of Arts & 46 Masters. Total 71.

And then follows a long account copied from the "public prints" of the exercises in detail. They were indeed so learned and of such length that they would certainly shock the "Bachelor" and even the "Master" of the present day.¹

Among many other things, 'Chancellor Kent was the Cliosophic orator in English. Judge Baldwin delivered the salutatory oration in Latin. There was an anthem set to music by Mr. Samuel Dwight, (Yale 1773), a Greek oration by Mr. Perkins, a forensic disputation on the question as to 'Whether the literature of the Antients excelled that of the Moderns,' by Mr. Kent and Mr. Gridley on the affirmative, and Mr. Stebbins and Mr. Channing on the negative, and an Oration upon the Oriental Learning, in Hebrew, Chaldee and Arabic by the President.² A Latin Valedictory Oration also was pronounced by Mr. Tutor Meigs, and the President closed the exercises of the day with prayer."³

That, however, it produced no unpleasant effect upon the Chancellor is evident from two letters which he wrote respectively in September, 1785, and September, 1787, on two subsequent Commencement occasions to his classmate, Judge Baldwin, in New Haven,⁴ expressing, in earnest terms, his regret at not having been able to attend the exercises.

In the first of these letters, after speaking of his anxiety to hear from Mr. Baldwin, and lamenting "that I am not only prevented hitherto from the pleasure of seeing you, but also find such long interruptions in our correspondence," and saying that "the older, therefore, I grow, my friend, the more do I prize you," he refers to the Commencement lately passed as follows:

1. *Stiles' Diary*, Vol. II, p. 554.

2. The manuscript of this Hebrew oration upon the Hebrew literature among Dr. Stiles' papers shows that it was originally composed in 1778, but this was the first opportunity for its delivery! *Stiles' Diary*, Vol. II, p. 554.

3. *Stiles' Diary*, Vol. II, pp. 512, 539, 547, 554, 556.

4. I am indebted for the privilege of being able to quote from these letters here to the generous kindness of the recipient's distinguished grandson, Judge Simeon E. Baldwin of New Haven, in whose possession the original letters are.

Your commencement at New Haven must have been very lately. I should like very well to be present once more at the exercises of such a day and I should be allured much more from motives of curiosity than of instruction, provided the President was to deliver another Arabic oration. He always excited my affection from the loftiness of his manners and the goodness of his heart, but my admiration used to be carried to a very high pitch from my idea of the immensity of his learning and his researches as an antiquarian. He has many fanciful notions which I shall not undertake to refute, nor to defend. But he is the ornament of the age as a *scholar* and I believe those who are entirely delivered from the pedantry of the schools, and whose ideas are enlarged by history and experience, and created by just criticism and sound philosophy will still see cause to view him with great veneration. I ardently wish that glory and reputation may crown the labors of that, our parent university, and that such moderation and caution may attend the distribution of academical honors that they may be courted with emulation and conferred as a sincere reward. . . . Adieu. Remember me and believe that I love you.

And in the second letter, dated Poughkeepsie, September 7, 1787, the Chancellor writes:

Commencement I recollect is at hand, in which you are going to recall some of your old sensations and probably embrace some of your old friends. Who can tell my wishes that I was to be of the number? The thought of that scene awakens most deeply my friendly sentiments. You and one or two more recur to me with a tenderness that almost unmans me. I love you most sincerely and my breast refutes the system that makes self-love the foundation of morals. I feel myself a patron of the doctrine of disinterested affection. My dear friend, may you and I never forget to have an ardent friendship as long as we remain worthy of each other—may we never cease to cultivate the heart as the source of all our happiness here, and we may make our profession subservient to a most honorable ambition and an unlimited benevolence for mankind.

Yours most affectionately

SIMEON BALDWIN, Esq.

(Signed) JAMES KENT.

P. S. This letter is conveyed by Mr. Marsh, by whom I hope for the favor, if not inconvenient, of the usual academical publications of Theses, etc. I could wish for a catalogue that I may thereby hear of the existence at least of my acquaintance. . . .

It is not difficult to find the cause of this abstention from these Commencement gatherings, which he yearned so to attend. It was the *res angusta domi* that held him in its inexorable grip. He told something of it to Judge Baldwin in a letter of September, 1784, (note that this is again a Commencement season), which Judge Baldwin quotes in the account of his classmate already referred to.¹ In that confidential letter to his friend the future Chancellor writes:

1. *Supra*, page 14.

I am yet a poor clerk to an attorney, and all my property is confined to my chest; but I have a thirst for knowledge and a determination to put in a claim for some of those honors which imprint immortality on characters; and this thirst and this determination, I trust, under Providence, will lead forward to some of those good and generous actions, and that sacred integrity of conduct and principle, which will render me not a dishonorable object to the few who love me.¹

Again, nine years later, in October, 1793, he wrote his brother:

. . . I am very healthy, but my business comes on slowly and living is very high. The beef in market is 7d., 8d., and 9d. a pound, and other things in proportion. But the most serious of all our expenses is wood. It is now 18s. a load at the wharf, and four loads make a cord. The expense of riding, sawing, etc., is about 3s.; so that every load of nut wood, which is the only wood brought here that will burn, costs me 21s. a load. This extraordinary dearness of wood is owing partly to the great influx of people from the West Indies, etc., but principally because last winter was open, and there was no sledding to bring the wood down to the landings up the river. I endeavor to keep up my spirits all I can, but low spirits and discouragements frequently press so hard upon me as to retard my studies. However, I will try a year or two yet, and if it will not do here, I must go into the woods somewhere, as you have done.²

That this was the true and real reason of his abstention is made more clearly manifest from the fact that, as we shall see, for years afterwards, when he had become more at ease in his circumstances, we shall find that he attended the College Commencements and rejoiced in their proceedings with the right and true spirit of the most loyal and enthusiastic Yalensian. The manuscript diaries to which I have referred contain accounts of these visits to his Alma Mater at quite frequent intervals from as early as the year 1813 almost to the end of his life, the last visit recounted being that to the Commencement of 1842, when the Chancellor had been out of college sixty-one years and was seventy-nine years of age. Some of them we will examine later. But we may pause to say here that the tone and spirit of the letters above quoted are indicative of the man and of his character. Poverty might deprive him of the gratification of his dearest wishes, but it could not dismay him. In the midst of it he was serenely happy and cheerful as he was in the later days of his affluence. It seemed a characteristic of Chancellor Kent throughout his whole life that difficulties of whatever kind and

1. *Memoirs*, p. 17.

2. *Memoirs*, p. 54.

nature, not only did not dismay him, but seemed, on the contrary, to incite and encourage him to effort. It seemed as if, instead of shrinking before difficulties, he veritably welcomed them, so great was his intellectual enjoyment in searching with industrious and unerring logic the way by which, of necessity, they must be and would be overcome. No labor of research was too great for him, if, through it, he could find the weak points in the obstacles that opposed him, and by it could arm and fortify himself with the precedents and authorities whereby he could overcome them. Another trait or characteristic in this connection impresses itself upon the reader of Chancellor Kent's work, and that is that he never realized or admitted defeat until the last effort had been made. As his younger successors in his beloved Alma Mater have sometimes put it, he never was beaten until the last ball was pitched!

The future Chancellor at this time was living in Poughkeepsie and was a clerk in the office of the Hon. Egbert Benson, a distinguished lawyer, and at that time Attorney-General of the State of New York.¹ He says that he was placed there by his father in November, 1781, almost immediately after leaving college. He was admitted to the Bar of New York in January, 1785, and in April of that year he married Miss Elizabeth Bailey, daughter of Col. John Bailey of Poughkeepsie, New York. In his memorandum he says:

I was admitted to the bar of the Supreme Court in January, 1785, at the age of twenty-one, and then married, without one cent of property; for my education exhausted all my kind father's resources, and left me in debt. \$400, which took me two or three years to discharge.²

On the 12th of April, 1785, he entered into partnership with

1. Chancellor Kent in a valuable historical address which he delivered before the New York Historical Society, on the occasion of his election as the fifth President of that society, December 6, 1828, has this to say of Judge Benson:

"Egbert Benson rendered eminent service to this state (New York) through the whole period of the American War. He was zealous, firm, active and extremely useful from the very beginning of the contest. In 1777 he was appointed Attorney General, and in that office, in the Legislature, and in Congress, his devotion to the public interest was unremitting. The value of his services as a member of the Legislature throughout the war was beyond all price, and in the able, constant, accurate and faithful discharge of the duties of that station he has scarcely an equal in the legislative annals of the state."

2. *Memoirs*, p. 22.

Gilbert Livingston, Esq., of Poughkeepsie, and remained in this connection until he moved to the City of New York, April 27, 1793.¹

I. In the *Kent Manuscripts*, Vol. III, above referred to, page 6, note, is found the following *Chronological Memoranda* in the handwriting of the Chancellor:

1763—July 31—I was born at Fredericksburgh in Dutchess County.
 1772—July 28—Begun to study Cordery in Latin and English at my Uncle Kane's.
 1773—May—Went to a Latin School at Danbury under the tuition of the Revd. Ebenezer Baldwin.
 1777—July & August studied at Newtown with the Revd. Ebenezer Whitt Sept.—Entd. Yale College.
 1781—September, took my Bachelor's Degree.
 Nov. 10th, entered as clerk to Mr. Benson at Poughkeepsie.
 1785—Jany.—Admitted an Atty. of the Sup. Court at Albany.
 April 3d.—Married Miss Elizabeth Bailey.
 12th—Entered into partnership with G. Livingston.
 1786—Oct. 10th—Begun housekeeping at Poughkeepsie.
 1787—April—Admitted a Counsellor in the Sup. Court.
 1789—Oct. 23rd.—My brother Moss left my house where he had lived for three years.
 1790—April—Elected a Member of Assembly for D. County.
 1791—March 25th—My daughter Elizabeth born.
 1792—April—Elected again a Member of Assembly.
 1793—Jany.—I was an unsuccessful candidate for Congress.
 April 12th—Dissolved my partnership with G. L.
 27th—Removed to N. York.
 May 26th—My daughter died.
 Dec. 24th—Elected a Professor of Law in Columbia College.
 1794—Feby. 4th—My father died.
 March 18th—Admitted Sol. & Counsel in Chancery.
 April 5th—Admitted Counsel in Circuit Court of U. S.
 1795—Feby. 1st—Appointed a Master in Chancery.
 16th—My second daughter Betsy born.
 April—elected a Member of Assembly for N. York.
 — Elected a Trustee of the N. York Library.
 1797—March 28th—Appointed Recorder of N. York.
 May—Elected a Governor of the Hospital.
 1798—Feby. 6th—Appointed a Judge of the Sup. Court.
 April 7th—Removed from N. York to Poughkeepsie.
 1799—Oct. 31st—Removed from Poughkeepsie to Albany.
 1804—2nd July—Appointed Chief Justice.
 1814—Feby.—Chancellor.
 [May, 1794 had a degree of LL.D. in Columbia College, N. Y.
 In 1811 or 1812 do. in Harvard University.
 In 1819 do. in Dartmouth College.]

That his married life was an extremely happy one and that his wife, through all the long years of their association, exerted a most happy influence upon his life and character, shines through all he writes. The "Kent Manuscripts" contain a number of letters between the husband and wife, which abundantly illustrate this fact, but I will quote but two as typical of them all. On Monday, September 17, 1804, the future Chancellor, then Chief Justice of the Supreme Court, residing in Albany, wrote to his wife, who was visiting her parents in Poughkeepsie, in part as follows:

DEAR BETSY:

I did not intend to have written to you so soon for fear you would be too highly elated and flattered by such marked attention from so great a man as myself. But I must run the risk of spoiling you for the pleasure of the letter. . . . Bess [their little daughter] sticks close to me and walks out with me in all my walks. . . . It is glorious times to study here!—no noise, no intrusive wife, no rattling Will, no call for market. A piece of canned beef got on Saturday will last some days yet. . . . It is possible I may get a whim in my head by the beginning of next week to jump aboard a sloop with Bess and come down. My love to your parents and sister.

Yours truly,

(Signed) J. KENT.¹

On Saturday evening, September 22nd, Mrs. Kent replied as follows:

DEAR HUSBAND:—

With all your imperfections on your head I love you and long most ardently to see you. To tell the truth I grow quite homesick and hardly know how I shall spend all next week here. This place is very pleasant, but all its charms to me are fled. Take away my family and friends and I should scarcely ever wish to see it again. . . . The truth is the gentleman I have the infinite satisfaction of calling my husband will give a zest to any place, or it will have none for me if he is not there. You will perceive I do not lose all recollection of you in my absence. Your image grows brighter every day on my imagination. I fancy I see you sitting this evening in your solitary office shivering with cold with dear little Bess lying on the chairs waiting for you to go to bed, while you are turning over your unfinished pages. My dear, blessed little daughter, I am afraid she is lonesome and unhappy. . . . I had the honour of receiving your short agreeable letter of Monday last and should have been very glad to have received another

1823—July 31—Retired from the office of Chancellor, being that day sixty years of age.

— Oct. 29th—Removed from Albany to the City of N. Y.

— Nov.—Reappointed Professor of Law in Columbia College.

1. *Kent Manuscripts*, Vol. III.

this evening, though I suppose you think that would be giving me too much pleasure in one week. . . . Your lovely little boy is very well and is highly delighted. He goes with his grandpa to the barn and in the garden and if possible is sweeter than ever. I think very often of my dear little Bess. I almost regret I did not bring her along. I know her pa will do all he can to make her happy. A week will soon pass away and she will have her mother back again. I hope Peggy gives you comfortable meals. Be patient, my darling husband. Though we laugh and talk a great deal, there is not a human being values you half as much as your devoted wife,

(Signed) E. K.¹

Chancellor Kent was of particularly agreeable personal appearance. The frontispiece shows him as a youth of twenty-five during the struggles of his early life at the Bar. This portrait was done by Sharpless in pastel and has never before been reproduced, and we are indebted to the kindness of the owner of the original, Mr. William Kent of Tuxedo Park, for the privilege of being able to reproduce it here.² Another portrait of Chancellor Kent was made by Rembrandt Peel in 1843 when the Chancellor was eighty years of age. It is in the possession of Mr. William Kent of Tuxedo Park, and a reproduction of it forms a frontispiece of his "Memoirs." A portrait painted by John W. Jarvis is owned by Yale. A fine bronze statue of the Chancellor stands in the gallery

1. *Kent Manuscripts*, Vol. III.

2. James Sharpless, artist, was born in England about 1751, and died in New York City February 26, 1811. He was intended for the priesthood, but studied art. He came to this country in 1786 and resided here almost constantly thereafter. He is buried in the church yard of St. Peter's Church in Barclay Street, New York City. He made portraits in pastel of many of the leading men of the time, including General Washington, John Adams, Thomas Jefferson, James Monroe, Anthony Wayne, Horatio Gates, James Wilkinson, James Clinton, De Witt Clinton, Chancellor Livingston, Aaron Burr, Alexander Hamilton and Chancellor Kent. It is said that after finishing a portrait Sharpless usually made another of the same subject either as a replica or otherwise, and that these second portraits he kept as a personal collection of his own. It seems that a portion of this personal collection, including the portraits above mentioned, came into the hands of a gentleman of Virginia, probably as security for a loan made to Sharpless' widow, and became scattered during the Civil War. Some forty of them, including those above mentioned, were exhibited at the Centennial Exhibition in Philadelphia in 1876, and these were purchased for the National Museum in Independence Hall. The portrait of Chancellor Kent in this collection is not by any means a replica or copy of the frontispiece. It is undoubtedly a portrait of the Chancellor, but manifestly made at a later period of his life, and the clothes and the method of cutting the hair are altogether different.

of the central reading-room or rotunda of the Library of Congress at Washington. The statue is a very effective one, and a cut of it may be found in *Harper's Weekly* for August 1, 1896 (Vol. 40, p. 752).¹

But we have already digressed too far and we must return now to our particular business, which is the relation of this great man to Yale. The whole of the Phi Beta Kappa oration will form absorbingly interesting reading for any Yale man, but space prevents our giving it all as we should like to do. We must leave it now with the Chancellor's concluding words, with which he ended this brilliant achievement:

Within the last half century this college has partaken largely of the general impulse communicated to society. It has made rapid advances in the number of its pupils, in the elevation of the standard of admission, in the enlargement of the limits of collegiate learning, and in accommodating its course of instruction to the wants and wishes of the age, and to the methods and spirit of the sciences of the present day. The amount of graduates, since the commencement of this century, almost equals the number that received a collegiate degree during the whole course of that which preceded it. History, antiquities and political economy are now academically taught. Chemistry, mineralogy and geology were utterly unknown, within college walls, half a century ago. They are now regarded as sciences of great practical utility, and, under the guidance of genius, erudition and taste, they are cultivated with enthusiastic ardor and astonishing success. The progress of science generally within the time of memory is almost incalculable, and it seems to leave in comparative insignificance, the accumulated knowledge of past ages. We can estimate the space that has been gained by the flood, by looking upon those neglected marks,—those old and stubborn intellectual monuments, which remained stationary, in proud solitude, while the current swept forward on its course. It is the tendency of the general diffusion of knowledge, and of the inquisitive, restless, and business character of the age, to elevate the importance of that mechanical philosophy, and of

1. There are sixteen of these bronze figures in this gallery and they form a very dignified and impressive feature of the ornamental scheme. They are as follows:

Representing

Religion—	Moses and St. Paul;
Commerce—	Columbus and Robert Fulton;
History—	Herodotus and Gibbon;
Art—	Michael Angelo and Beethoven;
Philosophy—	Plato and Lord Bacon;
Science—	Newton and Henry;
Poetry—	Homer and Shakespeare;
Law—	Solon and Chancellor Kent.

those practical sciences, which gratify with the greatest celerity, and in the greatest abundance, our coarser wants and comforts. But we may rest assured that the efficacy and value of intellectual pursuits increases in a much greater proportion. Artificial distinctions and exclusive privileges are gradually losing their hold on society, by the operation of the knowledge and spirit of the times. The masses of free and enlightened human beings are constantly enlarging, and they all lie under the dominion of moral force, and are capable of being swayed by argument and eloquence flowing from intellects of superior cultivation. Knowledge and virtue are the rightful directors of human action, and they are a result of a liberal and vigorous system of public education.

It must be the wish of all the true sons of this venerable university, that it may fulfill its high purpose, and continue to flourish in health and vigor, with expanding views, and increasing luster, down to the latest posterity.

There is published with the oration a note of the Chancellor's upon his college class and other college mates, then both living and dead, which, because of the distinction of the author and of those it catalogues, ought not to be omitted. It is as follows:

Of my college class, which graduated in 1781, and consisted of twenty-five, there are twelve still living in good health, and eight of them attended this commencement. Of those eight persons, four had not until then, seen each other for fifty years. Of the students who were in college during the whole or some part of the period in which I was there, and who in after life attained distinguished public honors by their talents and learning, *and are now dead*, may be selected

Joel Barlow, the author of the "Vision of Columbus," and American Minister in Europe.

Stephen Jacob, Chief Justice of the Supreme Court of Vermont.

Josiah Meigs, President of the University of Georgia.

Asher Miller, a Judge of the Superior Court of Connecticut.

Noah Smith, a Judge of the Supreme Court of Vermont.

Zephaniah Swift, author of a Digest of the Laws of Connecticut, and Chief Justice of that state.

Uriah Tracy, Senator in Congress from Connecticut.

Mason Fitch Cogswell, President of the Medical Society of Connecticut.

Roger Griswold, Governor of the State of Connecticut.

Daniel Farrand, a Judge of the Supreme Court of Vermont.

Israel Smith, Governor of the State of Vermont.

John Lovett, Member of Congress from New York.

Samuel Austin, President of the University of Vermont.

Josiah Masters, Member of Congress from New York.

Jedediah Morse, author of the American Geography.

George Bliss, a distinguished Jurist and first Judge of the County of Hampden in Massachusetts.

Among the scholars embraced in the period I have mentioned, *and still*

living, and who have been selected to high public trusts, or been pre-eminently distinguished for their literary productions, are the names of

Ezekiel Gilbert, Member of Congress.

Ebenezer Sage, Member of Congress.

Noah Webster, author of the American Dictionary.

Oliver Wolcott, Secretary of the Treasury of U. S.; a Judge, and Governor of Connecticut.

Jonathan Brace, Member of Congress.

Elizur Goodrich, Member of Congress and Professor of Law.

Jonathan Ogden Moseley, Member of Congress.

Simeon Baldwin, Member of Congress and Judge of the Superior Court of Connecticut.¹

Stephen Titus Hosmer, Chief Justice of the Sup. Court of Connecticut.

Asher Robbins, Senator in Congress.

Lewis Burr Sturges, Member of Congress.

David Daggett, Senator in Congress, Judge of the Sup. Court of Connecticut, Professor of Law.²

Abiel Holmes, author of American Annals.

John Cotton Smith, Member of Congress, Judge of the Sup. Court of Connecticut, Governor of that State, President of the Board of Foreign Missions.

Ray Greene, Senator in Congress.

The college, and even the State and nation, have reason to be proud of such a roll of illustrious names. The individuals were nurtured amidst the excitements and tumult of the American war. There were other scholars educated within that period, who proved to be men of sound learning and sterling worth, without having attracted attention by their ardent ambition or proud elevation. They have been contented to pass down the stream of life in a gentle current, without noise or éclat. But in the various walks of private life, and in the discharge of the more quiet duties of professional employment, or as humble and devoted ministers of the gospel, they have been of great utility, and the source of inestimable blessings diffused around the sphere in which they have moved.

In the "Kent Manuscripts"³ the Chancellor gives a journal of his

1. *Supra*, p. 8.

2. Judge Daggett—United States Senator 1813-1819; Chief Justice of the Supreme Court of Connecticut 1832, and First Kent Professor of Law at Yale 1826-1848. He was the great-grandfather of Mr. David Daggett (Yale 1879), one of the most highly esteemed citizens of New Haven, and the genial, beloved and efficient presiding genius of the Graduates' Club. A History of the Class of Seventy-nine/Yale College/During the thirty years from its admission/into the Academic Department/1875-1905/by its secretary/F. W. Williams/Published for the class/1906/The University Press, Cambridge, U. S. A.

3. *Kent Manuscripts*, Journal No. 10—1829-31.

"Excursion to New Haven" for the purpose of attending the semi-centenary of the graduation of his class, and this I also feel to be so interesting and enlightening that it can in no manner be omitted from this paper, and it therefore follows in full:

Monday, September 12, 1831, I left the dock at the foot of Maiden Lane in N. York in the steam-boat *Hudson*, Captain Beecher for New Haven at 12 o'clock noon. It was a cool, pleasant day. Young Franklin Miller went with me, and I found on Board Mrs. Dodge (widow), Isaac Lawrence, Esq. Mr. Mix of New Haven, young Dwight, M. Joaquin Morqueva, the Colombian President, & a great crowd. I arrived at New Haven at dusk & went up to Professor Silliman's, where I had been invited to stay.

Tuesday, September 13th. A fine day. I arose early and walked around the Town and it appeared enchanting. It is a large and elegantly built Town in large Squares and adorned with thick and lofty trees, being elms and sycamores. It is *rus in urbe*.

At 11 a.m. I attended the meeting of the Ph. B. K. in the 3d story of the old chapel. R. M. Sherman, Esq., was President. There I saw Ed. Everett and a crowd of the civilians and clergy and Professors. The question was on abolishing the secrets of the Society. Professor Silliman, Doctor Ives, Revd. Mr. Robbins, the Revd. Mr. Bacon of the 1st Presbyterian Congregation & Judge Daggett spoke. The rule of secrecy was abolished with acclamation. We then marched in procession to the North Church on the Green which I found full of Ladies and Gentlemen. The President of the Society and the chaplain and I ascended the pulpit and after a short prayer I delivered my address. It consumed an hour and 12 minutes. We then went and dined at the Franklin House which is a superb Establishment. We then went to the College Lyceum and there was a large and general meeting of the Alumni of Yale College and I presided. The object was upon raising \$100,000 by subscription, the sums payable in 4 annual instalments, the first to be paid on 1. Jan'y. 1832. President Day, Professor Silliman, the Minister of the 1st Congregation, Mr. Pilkin, Lucius C. Duncan, Esq. of N. Orleans, La., spoke. [I subscribed \$400.]

Wed. Sep. 14th. I took my early morning walk around Town. I attended commencement and sat on the stage with the dignitaries in the Forenoon and then I dined at Judge Baldwin's with my old classmates. There were eight of us who dined together, viz: Baldwin, Boardman, Huntley, Kent, Noyes, Stebbins, Tomlinson, Wells. Channing, Isaacs, Williams and Wright were absent but alive and in health. Judge Baldwin read us an excellent letter from Wright who lives in the state of Ohio in the N. East part in a flourishing Country, and he is very richly and neatly settled. He writes like a very pious man. . . .

That evening I was at a Party at President Day's and there was another at Professor Silliman's. There I saw the Revd. Mr. Stewart, the Naval Chaplain, and conversed with Joaquin Morqueva and with the Revd. Mr. Bacon of the 1st Congregation, who is a very fine mercurial little fellow. The Revd. Mr. James Noyce of Wallingford lodged with me. I was introduced

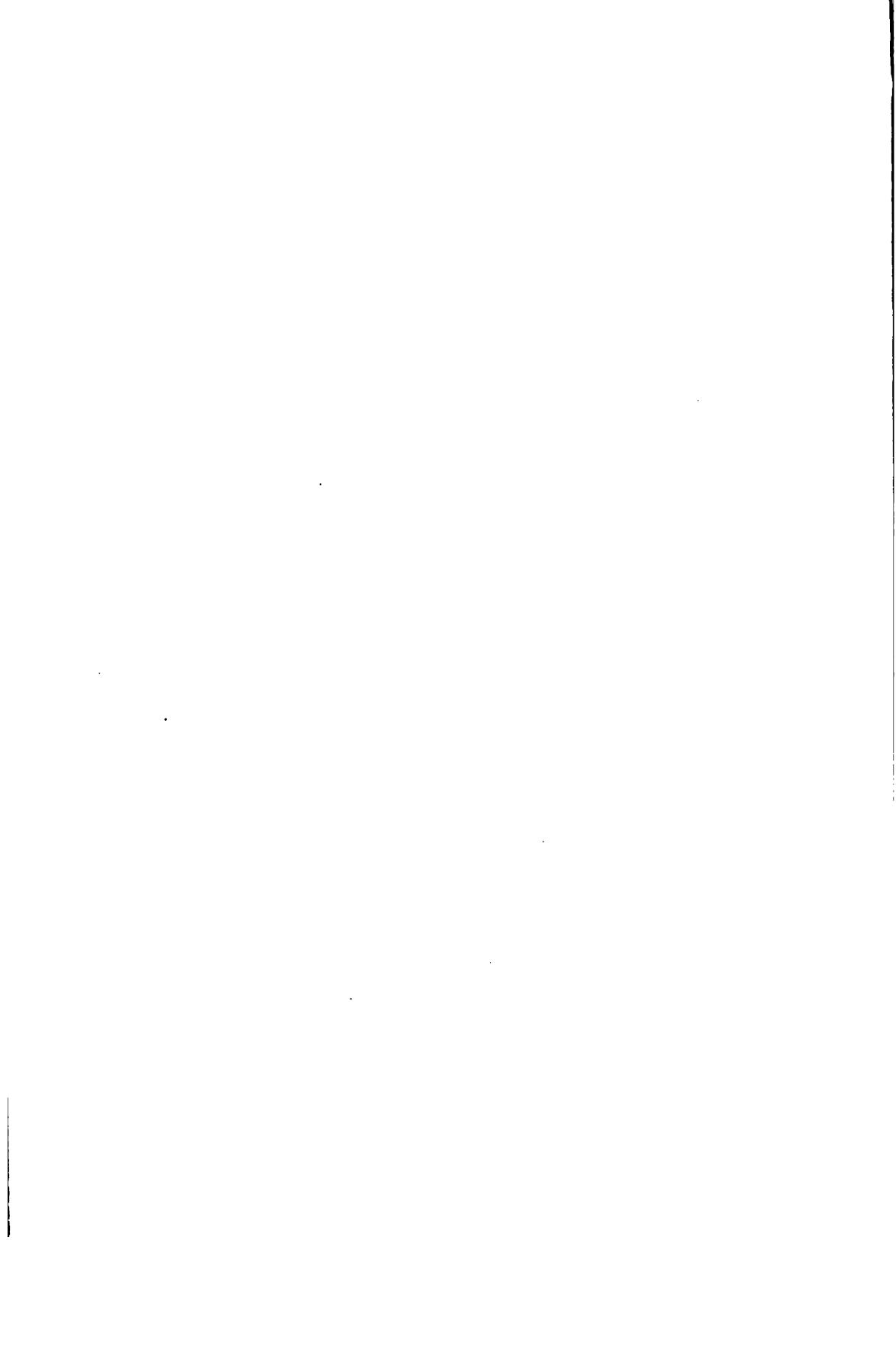
to Gov. Peters, Lieut. Gov. Fairchild, Judge Boardman and a great many Reverend Divines, and I became quite familiar with Professor Everett.

Thursday, Sep. 15th. I visited Judge Daggett, Mrs. Tucker, old Mr. Hillhouse who resides with his son in an elegant seat; & Mr. Silliman took Professor Everett & me over the Bridge to East Haven, and showed us geological *detritus* & fine views and Fair Haven full of Oyster Beds.

I entered on Board the Steam Boat *Superior* at 1 P.M. It was crowded with near 400 passengers & it rained. There were visitors and scholars returning from Commencement. There were the Patrone¹ and his children, Prof. Everett, Pres. Wheland, Prof. Westerle, Franklin Miller, Zacharias Lewis, Isaac Lawrence, Major Hoops, young Mrs. Dwight. We arrived after dark.

Total of my Expenses \$7.

1. Undoubtedly either the Hon. Stephen Van Rensselaer III (1764-1839) or his son, General Stephen Van Rensselaer IV (1789-1868). Both were successively known as Patroon of Rensselaerwick. The former, it will be noted, was just one year younger than the Chancellor. He was graduated at Harvard in 1782, just one year after the Chancellor's graduation at Yale. He, however, was one of the contributors to the fund raised in 1822 for the establishment of the Dwight Professorship (Baldwin's History of Yale College, (1831) p. 316. For the grant creating the Patroons of the New Netherlands, July 19, 1640, see *New York Colonial Manuscripts*, Vol. I, p. 119. Original in the Royal Archives at the Hague. File West Indie.



II

WE have seen in the March number of the Journal¹ with what simple and genuine enthusiasm the great Chancellor wrote of his visit to New Haven on the occasion of the fiftieth anniversary reunion of his class in 1831. On this occasion he delivered the now celebrated Phi Beta Kappa oration in the Old North Church, as appears from the illustration of the New Haven "green" of that day, and the Chancellor's manuscript note regarding it. In commenting further upon this visit the distinguished orator in his diary records that "the excitement of writing and delivering my oration rendered this Commencement, and the two or three weeks in anticipation of it, deeply interesting." He then proceeds to add some notes about some of the friends he met, about the old New Haven cemetery, and about his college room and college room-mates, which are full of interest to the Yale man of to-day.²

1. *Supra*, pages 30-31.

2. "The Revd. Mr. Robbins of Stratford is a public spirited man & a great antiquarian in New-England History & a collector of its historical documents & sermons.

"Mr. Augur is a self-taught Sculptor, & his marble specimens of Jephtha & her daughter are admirable. The Revd. Mr. Bacon is one of the most animated and spirited of the public speakers.

"I was treated with great hospitality & kindness by Mr. & Mrs. Silliman. Their eldest daughter is on the eve of marriage with Mr. Church of Alleghany. Their 2d daughter is a rosy, lovely girl named Faith.

"I saw (& he returned with me in the Steam Boat to N. York) Wm. A. Thompson of Thompson in Sullivan County. He was a class-mate with the Revd. James Noyes who lodged with me at Mr. Silliman's. He has been for 2 or 3 years in England, & is a gentleman of 65 & of the look of a generous & hearty English-gentleman.

"The Cemetery is much enlarged, & the number & taste & splendor of the sepulchral monuments attracts reverence & thrilling interest. The Patron

But this, as we have seen, and as the Chancellor intimates, was by no means his only journey to New Haven for such a purpose of which he has left us an account. In 1813, when 50 years of age and 32 years out of college his diary tells of a trip in the following words :

Tuesday, Aug. 24. We arrived at New Haven by 11 o'clock. It was extremely dusty and hot as we passed the E. end of the West Rock and entered on the sandy plains of N. Haven. We stayed and lodged at Ogden's on the S. side of the green, and here I enjoyed for the better part of two days the luxury of retracing the footsteps and recalling the images of the years of my collegiate life. Here I had passed 4 years of innocence and simplicity and sanguine hopes of youth, and I eagerly dwelt with fond and tender and melancholy recollection on every spot consecrated by my youthful sports and tread. I was chastened into sober reflections under the consideration that it was thirty-two years since I left those delightful abodes of the Muses, and that more than a whole generation and the best part of my life had in the interval passed away. My old classmates, Baldwin & Perkins went with me to prayers in the chapel and I visited Dr. Dwight and the magnificent collection of stones and minerals presented by Col. Gibbs and superintended by Professor Silliman. With Mr. Daggett we visited Whitney's gun factory under the E. Rock, and I visited the cemetery so celebrated by the novelty and elegance of its arrangement. We also called on Mr. Goodrich, Mr. Woolsey, &c., and left the town in the afternoon of Wednesday, August 25th, with the highest respect for its literary institutions and the interesting character of the several gentlemen who had favored us with their attentions.³

What could be more beautifully and sweetly appreciative and loyal than these words! Ah "those delightful abodes of the Muses!" What one of us does not cherish those very sentiments to-day!

Again, in 1817, he tells us :

Wednesday, July 9th, 1817. I left N. York at 7 o'clock a. m. in the Steamboat *Connecticut* (Captain Bunker) in company with my brother and my daughter Eliza and Miss Henshaw, and we arrived at New Haven about dusk. The day was cool with a N. W. wind and we had a remarkably pleasant sail up the Sound. We lodged at Butler's hotel.

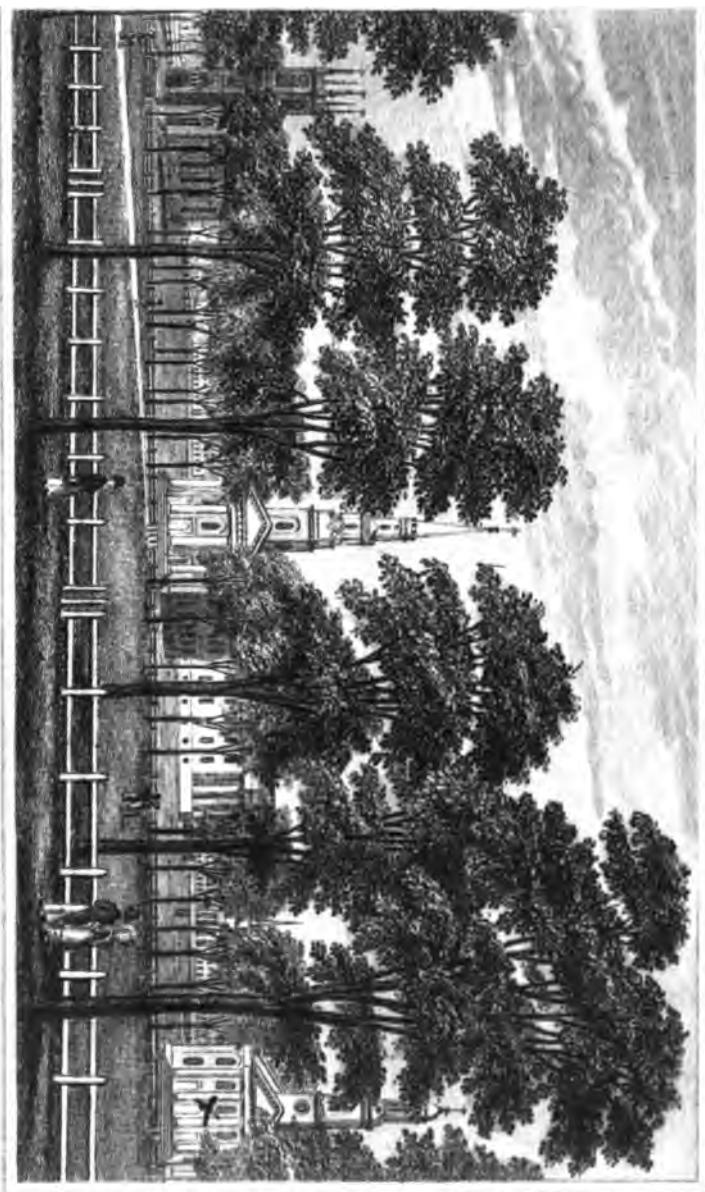
was with me when I ascended & visited the Room in the 4th Story in the College in which I resided with my Room Mates Noyes & Wright the last two years of my collegiate life.

"My Room Mates when I was Sophomore were Isaacs & Tomlinson, & when I was Senior they were Noyes & Wright, & they are all alive." (*Kent Manuscripts*, Journal No. 10, 1829-31.)

1. *Kent Manuscripts*, Journal 1803-1816.

E. VIEW OF THE PUBLIC SQUARE OR GREEN. IN NEW HAVEN CON.

Facsimile from Chancellor Kent's copy of Barber's New Haven, 1831
See page 13 and Note 4 on same page.



+ sketch in which I delineated.
my Th. B. K. Eaton, September
1891 —

Thursday, July 10th. We rambled about N. Haven, visited the cemetery and ascended the steeple of one of the new churches, and visited the mineralogical collection in college, and drank tea at Judge Baldwin's in company with President Day, Professor Silliman, Mr. Daggett, Mr. McCracken, etc. *The town was clean and quiet and the rows of elms and buttonwood and the three new Churches, rendered the avenues exceedingly beautiful.*

Friday, July 11th. I parted with my Friends at N. Haven and rode to Hartford by the way of Middletown in company with Mr. and Mrs. Pierpont of Brooklyn.¹

Again in 1824, when in his sixty-first year, and forty-three years after the graduation of his class, the Chancellor once more attended the commencement, we have his memorandum of his visit in the following words :

Tuesday, September 7, 1824. I sailed in the Steam Boat U. States (Captain Beecher) to New Haven. We started at 8 o'clock a. m. Prof. Nott, the Patrone,² Dr. Smith of Brunswick and his wife, Prof. Silliman, Mr. Boardman of N. H., and I were on board. It rained all the latter part of the day. We kept near the Connecticut coast and I saw all the farms, (Greenwich, Stamford, Norwalk, Fairfield, &c.) as we passed. We arrived about 5 p. m. and landed at the end of the long wharf in the rain. I lodged with my friend, S. Baldwin, Esq.

Wed., Sep. 8th. A steady rainy day. *The bells all rang at sunrise, it being Commencement day, and I admired the melody of the sounds.* I walked before breakfast over the cemetery and read many of the inscriptions on the marble monuments in that solemn, picturesque and highly decorated Land of Silence. After breakfast I called on Governor Walcott and went to the College Lyceum and joined the procession to the church and attended all the Exercises of the day amid a crowded and gay audience. The stage where I sat was crowded with academical dignitaries. There were President Davis of Hamilton College, President Griffin of Williams Town, President _____ of Dartmouth, Dr. Stewart, Professor of Theology at Andover, etc. I was particularly pleased with the music in the gallery and with the valedictory oration of Mr. Hall. And I walked through the old college where I lived in 1780. I drank Tea at Mr. J. Hillhouse's and embarked on board the Steam Boat at 7 p. m. and was back to New York on Thursday, Sep. 9th.³

Six years later, in 1830, the Chancellor again attended commencement, and of this he says :

Tuesday at 5 p. m., Sep. 7, 1830, I went on board the Steam Boat *Hudson* (Captain Sanford) and I had a beautiful sail up the East River. By dusk we were at Throg's Neck. We raced up the East River with the Steam Boat *Flushing*. The weather was very hot and lightning and clouds

1. *Kent Manuscripts*, Journal 1817-1820.

2. See Part I of this paper, page 31, note.

3. *Kent Manuscripts*, Journal 1821-1824.

to the S. We had passed the lighthouse at Sand's Point before we went to bed. Mr. Townsend of the printing firm of Dwight, T. & Walker, was on board. I had a very oppressively hot berth in the cabin and it rained hard all night. When I left home the weather was bright. I left my brother and N. Howell, Esq., at my house. We arrived at the dock in New Haven by 2 o'clock in the night.

Wednesday, September 8th. I arose by sunrise. It still rained, and I went up in a coach to Bulford's Inn. It is an old house which stood when I was at College in 1780. It stands across the creek E. of the Head of the Long Wharf. Here I got breakfast, and called on Judge Baldwin and Judge Daggett and walked in procession to the church at 9 o'clock under the protection of Professor Silliman. I was honored with a seat on the stage aside of Judge Daggett. I heard 10 orations, 1 dialogue, and one dramatic composition of the tragic kind in five acts. The forenoon Exercises lasted until half after one. I dined in College Hall with the faculty and Corporation and sat adjoining President Day, Governor Tomlinson, Lieut. Gov. Peters, Bishop Brownell, etc. I visited the old College where I roomed and walked around it and recalled ancient recollections. The middle of the day was pleasant and the assemblage of gentlemen large and selected, and I was cheered and delighted. I visited in the forenoon Professor Silliman, walked with my classmate Stebbins. Drank tea at Judge Baldwin's and reembarked on board of same Steam Boat at 8 p. m. in the rain attended with sharp lightning, and after a very disagreeable night (for it rained Torrents) in a hot crowded cabin I arrived at New York dock before day and was home at sunrise much invigorated in Health and Spirits by my fatiguing tour. The whole expense did not exceed \$5.42.¹

What son of Yale to-day could say more as to the invigoration brought to "health and spirits" by a visit to commencement than did this fine old man! And what one of them could get through so pleasantly on \$5.42!

Of the great anniversary of 1831 we have already learned; and, although we have no detailed account of the Chancellor's visit to the college in the next year, 1832, it is evident that he was there from his own manuscript note appended to the picture of West Rock, which will be found facing page 52. The Chancellor climbed West Rock for the first time when a Freshman in college in 1778, and he climbed it again fifty-four years later, when in the seventieth year of his age. What one of us would not be proud to do the same!

Nor was even this his last visit. Again ten years later, in 1842, when the distinguished graduate had attained the eightieth year of his age, we find him again at the commencement—the sixty-first anniversary of the graduation of his class! And of this, which he

¹. *Kent Manuscripts, Journal 1829-1833.*

terms "a delightful visit and full of charming reminiscences," he gives us the following account:

Tuesday, Aug. 16, 1842. At 6 a. m. I went on board the Steam Boat *New York* (Captain Hinman) for New Haven. Mr. Ch. Chauncey, Mr. Heister, President of the Senate of Pennsylvania, etc., were on board. We arrived before 12 o'clock and I dined and lodged with my classmate, the Hon. Simeon Baldwin. I called and drank tea with Mr. Noah Webster, who looked hale and sound. I saw Mr. Goodrich, who was a tutor when I was in college. I attended a gay evening party at the house of R. S. Baldwin, Esq. Very warm day. *New Haven looked gloriously with its avenues of elms. We rode in the afternoon all around the City and admired the beautiful streets and buildings denoting wealth and Taste.*

Wed. 17th. I attended a great and most respectable meeting of the Alumni of Yale College in the Philosophical Hall and presided as Chairman. We then walked in procession to the N. Brick Church where I ascended the pulpit and presided as chairman. Prof. Silliman delivered an oration on the History of New Haven and the College and their progressive improvement. I dined with Mrs. Salisbury where I met Mr. Chauncey, Prof. Woolsey, who married the daughter of Mrs. S., the Revd. Cortlandt Van Rensselaer, Professor Silliman and Judge Sherman. I called on my wife's niece, Cath. Woolsey, and Mrs. Silliman, and attended a splendid evg. party at Mrs. Street's where Judge Baldwin went with me, and here I saw the Misses Gerry, [?] Mr. Skinner and his very pretty wife (once Miss Whitney), Mrs. R. S. Baldwin (the daughter of my classmate Perkins), and here I met Mr. Th. Dunlap of Philadelphia and of the United States Bank, and several other gentlemen. Very warm day.

Thursday, 18th. Very warm day. My classmate Baldwin and I went to the college at 8 a. m. and joined the procession of the College faculty and Students, etc., to the W. meeting house and I heard part of the morning exercises and speeches of the seniors, and then withdrew and left N. Haven at 1 p. m. on my return to N. York, where I returned before sundown. *A delightful visit and full of charming reminiscences. I was exceedingly well and active, and far more so than my contemporaries.*

Total of expenses of the excursion \$6.44.¹

This was within six years of the Chancellor's death. He died at his home in New York City, Dec. 12, 1847, in the eighty-fifth year of his age.

Who was this simple and unassuming gentleman who year after year was going back to meet his friends and class-mates under the elms of his beloved alma mater in this quiet and genial manner, keeping an account of expenditures, which it would be well for us amid the extravagant tendencies of the present day to pause and consider? During all this time, while he had been indulging in and enjoying these wholesome associations of his college days,

i. *Kent Manuscripts, Journal 1842-47.*

he had been steadily ascending to the highest pinnacle of an enduring fame. He had impressed his learning and his judgment upon the jurisprudence of his country and of the world, both upon the common law and the equity side, as perhaps no other man ever has. By his plain, plodding and highly instructed industry he had reduced to system and order our administration of the common law, and he had laid deep and everlasting the foundations upon which have been built up the great, merciful and life-giving system of American equity jurisprudence; and he had at the same time given to the world a statement of and a commentary upon American law which had already challenged the admiration of men not only in his own country but the world over, and which has since become daily more and more recognized as an immortal monument.

As we have seen, Chancellor Kent had been appointed an Associate Justice of the Supreme Court of the State of New York on February 6, 1798, when of the age of only thirty-five years.¹ From that time, for more than 25 years, until July 31, 1823, he continued his distinguished service upon the Bench. In 1804, he was promoted to the position of Chief Justice of the Supreme Court,² and ten years later, in 1814, he was appointed Chancellor, a station which Chancellor Walworth afterwards said was "at the head of the Judiciary of the State,"³ and continued in that high office for nine years until in 1823, when as we already know, having reached the age of sixty years, he was, by operation of the then existing constitution of the State, compelled to lay down the duties he had performed so well.⁴

One incident of Judge Kent's promotion to the Chief Justiceship of the Supreme Court is well worth dwelling upon. The vacancy in the Chief Justiceship was created by the nomination of the Chief Justice himself, the Honorable Morgan Lewis, to the office of Governor of the State. Justice Lewis was the nominee of the anti-Federalist party. Political passions were running high in the year 1804, and both parties were putting forth their best efforts to carry this election. Judge Lewis was himself a strong anti-Federalist while Judge Kent was a Federalist of a very ardent

1. *Supra*, page 24, note.

2. *Supra*, page 24, note.

3. *i* *Paige's Chancery Reports*, address of Chancellor Walworth at the beginning of the Volume.

4. Constitution of the State of New York, adopted 1821, ratified by the people, January 17, 1822. Article V. Section 3.

kind. The story is that on the eve of the election these two gentlemen met and fell into a discussion of the probable result of the election. In the course of the conversation Lewis said to Kent: "Judge Kent, if you will vote for me I will make you Chief Justice if I am elected Governor," to which Kent, recognizing, of course, the true spirit of the remark, promptly replied, "No, sir, personally I admire and respect your character and attainments; but I utterly detest your political principles!" Judge Lewis was elected, and one of his first acts as Governor was the appointment of Judge Kent to be Chief Justice.¹ Would that more of this spirit in judicial appointments by the Executive might be abroad among us at this time!

Of his work upon the Bench of the Supreme Court Judge Kent himself has given us an account from which the following is an extract:

In February, 1798, I was offered by Governor Jay, and accepted, the office of youngest judge of the Supreme Court. This was the summit of my ambition. My object was to return back to Poughkeepsie and resume my studies and ride the circuits and inhale country air and enjoy *otium cum dignitate*. I never dreamed of volumes of reports and written opinions. Such things were not then thought of. I retired back to Poughkeepsie, in the spring of 1798, and in that summer rode all over the western wilderness and was delighted. I returned home and began my Greek, and Latin, and French, and English, and law classics as formerly, and made wonderful progress in books that year. In 1799 I was obliged to remove to Albany in order that I might not be too much from home, and there I remained stationary for twenty-four years.

When I came to the Bench there were no reports or State precedents. The opinions from the Bench were delivered *ore tenus*. We had no law of our own, and nobody knew what it was. I first introduced a thorough examination of cases and written opinions. In January, T. 1799, the second case reported in first Johnson's cases, of *Ludlow v. Dale*, is a sample of the earliest. The judges, when we met, all assumed that foreign sentences were only good *prima facie*. I presented and read my written opinion that they were conclusive, and they all gave up to me, and so I read it in court as it stands. This was the commencement of a new plan, and then was laid the first stone in the subsequently erected temple of our jurisprudence.

Between that time and 1804 I rode my share of circuits, attended all the terms, and was never absent, and was always ready in every case by the day. I read in that time Valin and Emerigon, and completely abridged the latter, and made copious digests of all the English new reports and treatises as they came out. I made much use of the *Corpus Juris* and as the judges (Livingston excepted) knew nothing of French or civil law, I had

1. *Memoirs*, p. 121.

immense advantage over them. I could generally put my Brethren to rout and carry my point by my mysterious wand of French and civil law. The judges were Republicans and very kindly disposed to everything that was French, and this enabled me, without exciting any alarm or jealousy, to make free use of such authorities and thereby enrich our commercial law. * * * * Many of the cases decided during the sixteen years I was in the Supreme Court were labored by me most unmercifully, but it was necessary under the circumstances, in order to subdue opposition.¹

That this rather amusing sketch presents not an unfair estimate of the real condition of the Supreme Court at the time is not now lacking of ample corroboration. The Honorable John Duer in an address upon the life, character and public services of Chancellor Kent, has this to say of the condition of the Supreme Court at the time in question: "The condition of the Supreme Court at the time of his [Judge Kent's] accession to the Bench, was probably much the same as it had been, with little variation, from the close of the Revolution. It was not a condition that reflected credit on the jurisprudence of the State; it was not such as the character and the honor of the State and the interests of the public demanded." He then proceeds to show with what marked celerity and effectiveness this unhappy condition was remedied, largely by the labors of Judge Kent.²

But amid all these labors Judge Kent thoroughly enjoyed his work upon the Supreme Court Bench, and it was with reluctance that he left it to become Chancellor. The Court of Chancery in the State of New York at that time had not acquired the high authority which it afterwards attained, mainly, it may be said, through the work of Chancellor Kent himself, and the Chancellor was apprehensive that he would not be able to bring the Court up to the standard of authority and reputation which he had set for himself. How abundantly he was in error in this apprehension all the world now knows. As to Kent's work as Chancellor, the following is the estimate of Mr. Justice Story:

1. A most interesting letter of Chancellor Kent to Thomas Washington, a lawyer of Nashville, Tennessee, dated Oct. 6, 1828. A copy of this letter in full may be found in the *Green Bag* for May, 1897, being Vol. IX, No. 5, page 207.

2. *A Discourse on the Life, Character and Public Services of James Kent, Late Chancellor of the State of New York* / Delivered by request before the Judiciary and Bar of the City and State of New York, April 12, 1848 / by John Duer / New York / D. Appleton & Company, 200 Broadway / p. 33.

It required such a man with such a mind, at once liberal, comprehensive, exact and methodical; always reverencing authorities and bound by decisions; true to the spirit yet more true to the letter of the law; pursuing principles with a severe and scrupulous logic, yet blending with them the most persuasive equity; it required such a man, with such a mind, to unfold the doctrines of chancery in our country and to settle them upon immovable foundations.¹

The temptation here to review some of the immortal and controlling decisions of Chancellor Kent is very great, but it must be withstood and overcome because the confines of this article will not permit of any such thing, howsoever instructive and interesting such an examination could not fail to be. The subject, albeit all too briefly, has been treated with marked ability and discrimination by Judge Duer in the address to which reference has just been made, by William J. Curtis, Esq., of the New York Bar,² as also by Dr. James Brown Scott, the Solicitor of the Department of State at Washington, Professor of International Law in the George Washington University, and lately technical delegate of the United States to the second Peace Conference at The Hague.³

That the learned Chancellor keenly regretted the necessity of retiring from his judicial labors at the comparatively early age of sixty years was abundantly manifest. He had enjoyed his judicial work, and he made no secret of his dread of a return to the field of active practice. He said somewhere that he would rather saw wood than go back to the practice of the law.

Most fortunately, however,—I will not say for himself but certainly for his country and the world,—it did not become necessary for the learned Chancellor to re-enter the ranks of the practitioners.

1. Article by Mr. Justice Story upon Johnson's Reports, written for the North American Review, in 1820. Life and Letters of Joseph Story, edited by his son, William W. Story, London, 1851. Vol. I, p. 232.

2. James Kent/the Father of American Jurisprudence/An address/ delivered before the Alabama State Bar Association/at Montgomery/June 15, 1900,/by/William J. Curtis/of New York/New York/The Evening Post Job Printing House, 156 Fulton St.,/1900/Privately Printed,/New York City Bar Association Pamphlets, Vol. 141, No. 6.

3. Great American Lawyers/A History of the Legal Profession/in America/edited by/William Draper Lewis/Dean of the Law Department/of the University of Pennsylvania/Philadelphia/The John C. Winston Company/1907/ Vol. II, page 491. James Kent by Dr. James Brown Scott, Solicitor of the State Department, Professor of International Law in the George Washington University, Editor of Scott's Cases on International Law and Managing Editor of the American Journal of International Law.

Immediately after leaving the Bench he was appointed, or rather reappointed, to the honorable position of Professor of Law at Columbia College. To that appointment all mankind is indebted for the Commentaries. Judge Duer in the address already alluded to spoke of this occasion (page 70) as follows: "As a Judge and as Chancellor he had done enough for his own fame and for the interests and honor of his own State. It was to the whole Union that his services were now due, and were soon to be rendered."

This was not the first time that Columbia University had sought the services of the distinguished Yalensis in the guidance of her School of Law. In December, 1793, thirty years before, it had appointed "James Kent Esquire" Professor of Law. Even in those early days he had entered upon the discharge of his duties with his accustomed zeal and thoroughness. A year was to intervene between his appointment and the beginning of his lectures, and in this interval he prepared with the greatest care an "Introductory lecture" for the use of his prospective students.¹ The whole lecture is interesting and charming in a high degree, but we can give only a short excerpt:

This is a sketch of the outlines of the course of lectures which are before me. The anxieties which are felt for the execution, are in some measure proportioned to the impressions which result from the dignity of the subject, and the interesting nature of this institution. The science of law, has expressly for its object the advancement of social happiness and security. It reaches to every tie which is endearing to the affections, and has a concern on every action which takes place in the extensive circles of public and private life. According to the lively expression of Lord Bacon, it may justly be said to *come home to every man's business and bosom.*

But notwithstanding the care and pains with which the young lecturer prepared himself for his duty, the result was failure. He tells his own story of this undertaking on the fly leaf of his copy of these first law lectures in the following note:

I was appointed Professor of Law in Columbia College, December 24, 1793. On the 17th of November, 1794, I commenced the reading of a course

1. An introductory lecture to a course of law lectures, delivered November 17, 1794, by James Kent, Esquire, Professor of Law in Columbia College. Published at the request of the trustees. New York. Printed by Francis Childs, 1794. The original of this pamphlet is now in the possession of the trustees of Columbia College, at their office, 63 Wall street, New York City. A reprint of it has been published in the Columbia Law Review, Vol. III, p. 330 (1903).

of lectures in the College Hall and delivered the introductory lecture. I read that season 26 lectures (two a week) and was honored by the attendance throughout the course of seven students and thirty-six gentlemen, chiefly lawyers and law students, who did not belong to the college. During my second course, commencing November 1795, I read thirty-one lectures in my office and had only two students besides my clerks. The next season I attempted another course, but no students offering to attend, I dismissed the business, and in May 1797, sent a letter of resignation to the trustees.¹

What a world of meaning and of encouragement there is in these lines to every student, practitioner or lecturer in the law!

It was therefore particularly and doubly gratifying to the Chancellor when, upon his retirement from the Bench, the trustees of the same University elevated him to the same responsible position, notwithstanding his apparent failure of thirty years before.

The Chancellor lost no time in beginning, now for the second time, his course of instruction, and he pursued it with the same thoroughness and care with which he did, and always had done, everything he laid his hand to. On November 9th, 1824, he wrote his brother Moss Kent on the subject as follows:

I have commenced my lectures and they give me a good deal of trouble and anxiety. I am compelled to study and write all the time, as if I was under the whip and spur. But I take early and regular and habitual exercise, and am very temperate, and on the whole am very healthy. I have no reason to complain, but on the contrary have the most persuasive motives of gratitude to God for his continuous goodness.²

In 1826 he concluded to publish his lectures and the first volume appeared in that year. That he had no premeditation or preconception of the character of this work is manifest. In the letter to Mr. Washington, already referred to, the Chancellor, referring to this subject, said:

* * * It was my son who pressed me to prepare a volume of the lectures for the press. I had no idea of publishing them when I delivered them. I wrote anew one volume and published it, as you know. This led me to remodel and enlarge, and now the third volume will be out in a few days, and I am obliged to write a fourth to complete my plan.

His intention at first was to publish only one volume, although he suggests the need of a second. The result was four volumes.

1. *Memoirs*, p. 76.

2. *Memoirs*, p. 192.

The second was published by the same publisher in 1827; the third in 1828, and the fourth and last in 1830.¹ This monumental and immortal work flowed from the pen of this deeply and thoroughly learned author in the course of four short years. Such a thing would have been an utter impossibility but for the foundation that had been laid from the beginning, and but for his constant practice of doing everything he did with the utmost accuracy and thoroughness.

Volumes could be filled in merely setting forth the eulogistic comments which have from the beginning resounded through the civilized world with respect to this great work. It will only be possible in the space of this paper to give a very few. A perusal of them leaves no doubt whatsoever that the work, in all its various branches, is esteemed as of the highest authority by the leading specialists in all the departments of the law, public as well as private, international as well as municipal.

Mr. Justice Story expresses his view in the most solemn and public manner. As all know, in dedicating his own great work on the Conflict of Laws to Chancellor Kent, he wrote on Jan. 1, 1834, as follows:

It is now about thirty-six years since you began your judicial career on the bench of the Supreme Court of the State of New York. In the intervening period between that time and the present, you have successively occupied the offices of Chief Justice and of Chancellor of the same State. I speak but the common voice of the profession and the public when I say, that in each of these stations you have brought to its duties a maturity of judgment, a depth of learning, a fidelity of purpose, and an enthusiasm for justice, which have laid the solid foundations of an imperishable fame. In the full vigor of your intellectual powers, you left the bench only to engage in a new task, which of itself seemed to demand by its extent and

1. Thus the first Edition of the Commentaries was published volume by volume from 1826 to 1830, all by the same publisher, W. O. Halsted. The title page of the first volume is as follows: *Commentaries/on/American law/by James Kent/vol. I/New York/published by —— O. Halsted/Corner/ of Wall & Broad Streets/1826*. The Chancellor himself supervised the first four editions, including the first. Ten have been brought out since his death, the fourteenth and last in 1896. The title page of this is: *Commentaries/on/American Law/by James Kent/Twelfth Edition/Edited by/O. W. Holmes, Jr./Fourteenth Edition/Edited by/John M. Gould, Ph. D./Author of/Law of Waters, joint author of Gould and Tucker's/Notes on the U. S. Revised Statutes, etc./Boston/Little, Brown and Company/1896/*

magnitude a whole life of strenuous diligence. That task has been accomplished. The Commentaries on American Law have already acquired the reputation of a juridical classic, and have placed their author in the first rank of the benefactors of the profession. You have done for America what Mr. Justice Blackstone in his invaluable Commentaries has done for England. You have embodied the principles of our law in pages as attractive by the persuasive elegance of their style as they are instructive by the fulness and accuracy of their learning.

This was but Story's mature confirmation of the judgment he had expressed when first perusing the second volume of Kent's Commentaries on its appearance from the press. In a letter to the Chancellor on that occasion he wrote, among other expressions of approval, "It will become an American text-book, and range on the same shelf with the classical work of Blackstone in all our libraries," and then added:

To show you that I speak not at random, I have had occasion to read through your whole chapter as to the relation of husband and wife, and particularly what respects her power over her separate property, to hold as well as to dispose of it, on account of a very interesting case, recently argued before me, upon the effect of post-nuptial settlements to a large amount. I was happy to find that we had read the authorities alike, and stood upon the same conclusions. In the opinion which I shall soon deliver, I shall rely upon your Commentaries with emphasis.¹

Calvo, in his dictionary of international law, speaking of Kent's Commentaries in relation to that topic, says, that the only cause of regret is that, following the method of his work, Judge Kent has limited himself to treating the subject summarily; but that, notwithstanding this, his work is justly considered as a veritable digest of American law, and the best source to consult on that subject.² And in his great work on international law, the same author quotes Chancellor Kent's opinion as authority on no less than twenty-three

1. *Life and Letters/of/Joseph Story/Associate Justice of the Supreme Court of the United States/and Dane Professor of Law at Harvard University/Edited by his son/William W. Story/Boston/Charles C. Little and James Brown/1851.* Vol. I, p. 526.

2. *Dictionnaire/de/Droit International/Public et Privé/(1885) Vol. I, p. 420;* *Il est seulement à regretter que, d'après la nature même de son ouvrage, le juge Kent n'ait fait qu'aborder sommairement ce sujet. Quoi qu'il en soit, son livre est à juste titre considéré comme un véritable digest du droit américain et la meilleure source à consulter sur cette matière.*

heads of international law, many of them the most important of the science.¹

The distinguished German publicist and scholar, Robert von Mohl, expressed his appreciation of Kent's work and character, in the following terms:²

Ueberall tritt der ausgezeichnete Praktiker, der in Abwägung von Entscheidungsgründen geübte Richter, der mit den Präjudicien vertraute Anglo-Amerikanische Rechtsgelehrte auf eine eindruckmachende Weise entgegen. Es gibt nicht viele Bücher, welche für den Verfasser das Gefühl der persönlichen Achtung in gleichem Grade erweckten, oder in welchen der Stoff mit solcher Sicherheit und Meisterschaft gehandhabt würde * * * * Wenn irgendwo das Wort 'praktisches' Völkerrecht an der Stelle ist so ist es hier.³

Professor Abdy in his "Kent's Commentaries on International Law," in the preface to his first edition of 1866, writes as follows:

1. *Le Droit International Théorique et Pratique/Précédé d'un Exposé Historique/des Progrès de la Science du Droit des gens/par/M. Charles Calvo/Envoyé Extraordinaire et Ministre Plénipotentiaire de la République Argentine/auprès de S. M. L'Empereur D'Allemagne Associé Étranger de l'Institut de France/, Membre d'Honneur de l'Institut de Droit International/, l'Académie des Sciences Morales et Politiques/de L'Académie Royale D'Historie de Madrid, etc./Cinquième Edition. (Paris, Arthur Rousseau, Éditeur, 1896). The general index under the title Kent (vol. 5, page 563) gives the following references:*

Sa Définition du droit des gens, 1; Son opinion sur les sources du droit, 28; Son Digeste du droit américain, 120; Sa classification du domicile, 656; Son opinion sur l'extradition, 951; sur l'extradition des nationaux, 1028; sur le commerce entre belligérants, 1926; sur les prises maritimes, 2296; sur les commissions multiples, 2300; sur la propriété in transitu, 2361; sur la notification du blocus, 2849; Sa définition des sièges et blocus, 2827; Son opinion sur les traités de visite, 2946; sur le convoi, 2980; sur la nationalité des tribunaux des prises, 3041; sur le caractère des cours de prises, 3046; sur les prises neutres, 3055; sur le convoi, 2980; sur la destruction des prises, 3031; sur la nationalité des tribunaux de prises, 3041; sur le siège des cours de prises, 3056; sur les prises faites après la cessation des hostilités, 3157.

2 *Handbuch des Völkerrechts/auf Grundlage Europäischer Staatspraxis/ von Dr. Franz von Holtzendorff, Professor der Rechte/Berlin 1885/Vol. I, p. 500.*

3 Above all we are impressed by the distinguished man, trained in practical affairs, by the judge skilled in the weighing of the grounds of judgment, and by the Anglo-American jurist armed with authorities in an impressive way. There are not many books which awaken for their author the feeling of personal respect in a like degree, or in which the material is handled with such sureness and mastership. If ever the word practical international law is applicable, it is so here.

The Science of International Law has never lacked able and eloquent exponents from the times of Ayala and Alberic Gentili down to our own. But it must be acknowledged that, among modern authors at all events, there are three whose learning and labor as judges and writers, have shed glory over the legal literature of the United States and have earned the singular distinction of being recognized as authorities on International Law throughout Europe. I need scarcely say that I speak of the honored names of Story, Wheaton and Kent. * * * The third, Mr. Chancellor Kent, has given us the result of years of professional labor, and a life spent in study, in a work which, if small so far as International Law is concerned, contains within its pages wisdom, critical skill, and judicial acumen of the highest kind. For my part, I have so often derived pleasure as well as gain from Kent's Commentaries on Law, in every part of that treatise, that I feel a kind of veneration for his name; and I do most cordially assent to the language of praise in which a modern writer speaks of him as "the greatest jurist whom this age has produced, whose writings may safely be said to be never wrong."¹

Mr. G. Vernon Harcourt, in his *Famous Letters by Historicus* in 1862, after taking exception to certain doctrines expressed by certain writers on international law, says :

Permit me while I am warning your readers against false lights to refer them to a guide who will never lead them astray—to the greatest jurist whom this age has produced—I mean the American, Chancellor Kent. Of his writings may safely be said that they are never wrong. The exposition of international law contained in the first volume of the Commentaries has but one fault—that of being too short.²

And one of our most learned and distinguished judges in this country not long ago expressed the opinion that in his judgment the fourth volume of Kent's Commentaries is the best text-book we have to-day on the law of real property, really far better for the purposes of the schools than most of the modern text books on that subject, and also much the most useful work upon the subject for the guidance of the practitioner.³

1. Kent's *Commentaries on International Law*; edited by J. T. Abdy, LL. D., Judge of County Courts and Law Professor at Gresham College, late Regeis Professor of Law in the University of Cambridge. Second Edition, revised and brought down to the present time. London and Cambridge, 1878. Preface to the first edition.

2. Letters by *Historicus* on some questions of International Law/Reprinted from 'The Times'/with considerable additions/London and Cambridge/Macmillan & Co./1863/First letter on Neutral Trade in Contraband War, at p. 129.

3. Hon. George C. Holt, (Yale 1866); one of the Judges of the United States District Court for the Southern District of New York.

Amid all of his engrossing labors the learned Chancellor was ever at the call of his fellow citizens to render any public service within his power. Thus in the spring of 1831, the country being greatly aroused by the great debate upon Foote's resolution, in which Webster and Hayne, of South Carolina, took so conspicuous a part, the citizens of New York tendered to Mr. Webster the compliment of a public dinner and Chancellor Kent was called upon to preside. His address on that occasion was a master piece. After alluding to the historic debate and the character of Mr. Webster's great speeches, especially that in reply to the second speech of Hayne, he spoke as follows:

The consequences of that discussion have been extremely beneficial. It turned the attention of the public to the great doctrines of national rights and national union. Constitutional law ceased to remain wrapped up in the breasts, and taught only by the responses, of the living oracles of the law. Socrates was said to have drawn down philosophy from the skies, and scattered it among the schools. It may with equal truth be said that constitutional law by means of those Senatorial discussions and a master genius that guided them was rescued from the archives of our tribunals and the libraries of our lawyers, and placed under the eye and submitted to the judgment of the American people. Their verdict is with us and from it there lies no appeal.¹

In May, 1832, a public dinner was tendered to Washington Irving by his friends and admirers upon the occasion of his return home after a long sojourn abroad. This dinner was a famous one of the time. It was given at the City Hotel in New York, and Chancellor Kent again presided. His charming and graceful address upon this occasion may be found at pages 231-235 of Mr. William Kent's Memoirs. Lack of space forbids my giving any portion of it here, but the following letter on the subject from Mr. Webster, found among the Kent manuscripts, is too interesting to be omitted:

MY DEAR SIR

WASHINGTON, JUNE 5, 1832.

I have just opened the newspaper and read the account of Mr. Irving's dinner, and your speech thereat; and I resolved forthwith to write you one line, for the purpose of saying that the speech is a delightful little thing, just, sweet, affectionate. When I read the paragraph in which you prefer what relates to the blue hills and mountain glens of our own country

1. The Writings and Speeches of Daniel Webster, National Edition in eighteen volumes. Boston/Little, Brown & Co./1903/Vol. 1, p. 92; Vol. 2, p. 43.

to sketches of foreign scenes and foreign countries, I wanted to seize your hand and give it a hearty shake of sympathy. Heaven bless this goodly land of our fathers! Its rulers and its people may commit a thousand follies, yet Heaven bless it! Next to the friends beloved of my heart, those same hills and glens, and native woods and native streams, will have my last earthly recollections! *Dulce et decorum est, etc.*¹

Mr. Webster held Chancellor Kent in very high regard. He keenly felt the loss to the country in the Chancellor's enforced retirement from the bench. Shortly before that event he recommended him for the Presidency of Dartmouth College, and shortly after it for appointment upon the Bench of the Supreme Court. In his letter with respect to Dartmouth College he suggests that the salary of the President should be two thousand dollars a year, that he should be given a long vacation in winter, and that he should be free "from all clerical labor, such as attending prayers, etc."² The vacancy for which he urged the Chancellor for the Supreme bench was that caused by the death of Mr. Justice Livingston. On April 16, 1823, he wrote a letter to Mr. Justice Story on the subject, in which he said in part as follows:³

You will naturally be anxious to know whether anything is done here as yet in relation to the appointment of your associate upon the Bench. No appointment has been made. Mr. Thompson will be appointed if he chooses to take the office, but he has not made up his mind, as I understand, as yet so to do. If called on *now* to decide, it is said he will *decline*. I cannot account for his hesitation, but on the supposition, which I have heard suggested, but cannot credit, that he thinks it *possible* events may throw another and a higher office in his way.

When a man finds himself in a situation he hardly ever dreamed of, he is apt to take it for granted that he is a favorite of fortune, and to presume that his blind patroness may have yet greater things in reserve for him.

In the event of his finally declining, those now talked of as prominent candidates are James Kent and Ambrose Spencer. If a nomination were now to be made, I think it would be the former of these two names, although there are those who wish to give a decided rebuke to the Bucktails⁴ of New York by appointing Mr. Spencer. What time may produce no one can say.

1. *Kent Manuscripts*, Vol. 6.

2. *The Writings and Speeches of Daniel Webster*. Little, Brown & Co., Boston, (1903). Vol. XVI, p. 66.

3. *The Writings and Speeches of Daniel Webster*. Little, Brown & Co., Boston, (1903). Vol. XVI, p. 75.

4. A name given to a political party in New York opposed to De Witt Clinton and internal improvements.

served the state as one of the puisne Judges of the Supreme Court, from his first appointment, Feb. 6, 1798, to July 2d, 1804, when he became chief justice and so remained until February 25th, 1814, the date of his appointment as Chancellor. His judicial career had placed him on the roll of great judges, and the wonderful revolution in the practice and administration of equity accomplished during the nine years of his service as Chancellor is attested by the tributes paid him by the Bar on his retirement and which occupy the concluding pages of the final volume of Johnson's Chancery Reports.

This brilliant career on the Bench was cut short at the age of sixty years by the operation of the provision in the Constitution of 1821, which perpetuated a similar provision in the Constitution of 1777, disqualifying the higher judicial officers from the exercise of their duties after attaining sixty years of age.¹

That Chancellor Kent was a very great judge and commentator is the common opinion of all mankind. That he was one of the three or four greatest American jurists, is the common opinion of the Profession throughout the world. He certainly ranked with Marshall and Story. As to which of them was the greatest is hard to tell and men will differ. They were all three so great, and have all contributed so much to the happiness and welfare of their countrymen, that a discussion of their respective abilities is not a topic upon which it would be fruitful to enter here. But that Kent stood abreast of the other two on the topmost pinnacle of our juridical temple there can be no doubt.

Dr. Scott, in the admirable article already referred to² gives a highly careful and analytical comparison between Marshall and Kent, at the conclusion of which he says:

If now we remember that Kent shone with a strong, if not an equal, light in these four fields of judicial activity [municipal, constitutional, international law and chancery], and that he is scarcely inferior in any one to the specialist, it necessarily follows that his versatility gives him an added claim to reverent admiration. The rare poise and balance is not less marked than the solidity and breadth of attainment. If to this rounded, universal and almost perfect equipment, we add the very present and continuous claim of expounder of our law, the conclusion seems well nigh inevitable that Kent rightly assumes his place as the first figure in American jurisprudence.

1. The Revision of the Statutes of the State of New York and the Revisors. An address delivered before the Association of the Bar of the City of New York, January 22, 1889, by William Allen Butler. Published for the Association, New York and Albany. Banks & Bros., Law Publishers, 1889.

2. *Supra*, page 41, note 3.



WEST ROCK IN NEW HAVEN.

I first visited the top of the
West Rock in July 1778, & the
Capt. Town ^{with} my wife &
daughter July 1832. - Mr. Head
ascended no higher than at the notch
marked thus *

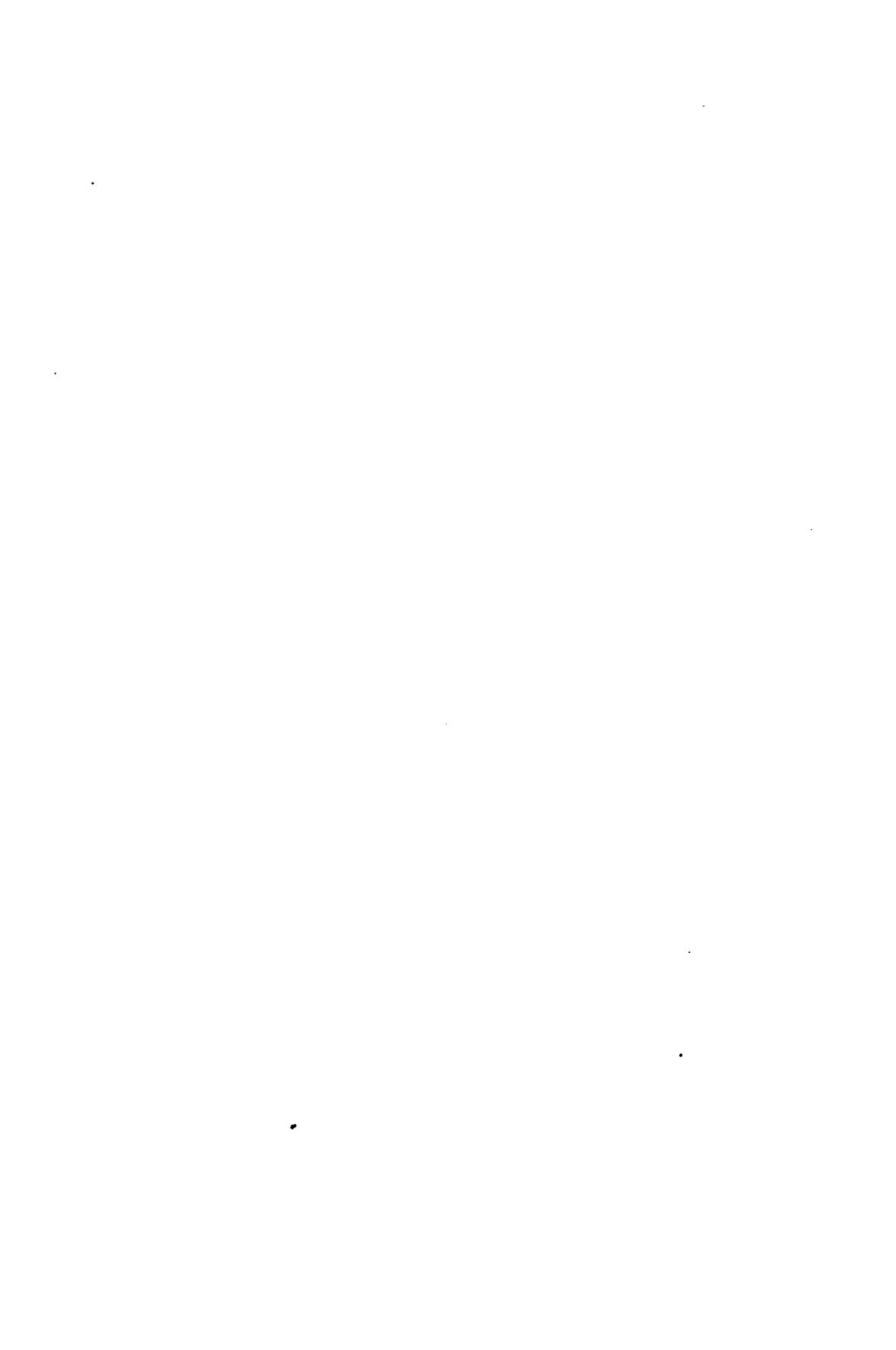
Facsimile from Chancellor Kent's copy of Barber's New Haven, 1831
See page 13 and Note 4 on same page.



One thing that strikes us with surprise in the study of Chancellor Kent, is the fact that, while a great deal has been written about him, no one yet has undertaken the great and comprehensive story of his life and writings, which ought to be, and some day will undoubtedly be, a monument to his fame. With the exception of the few permanent authorities referred to in the foregoing pages, all is of a fugitive character as compared with the records regarding his great confreres Marshall, Story and the others. Chancellor Kent has not yet had his due in this regard. In one sense this may not be regrettable, for the result may be all the more adequate for being delayed. The work will be a great one, requiring in its accomplishment great capacity, acquirement and devotion, but the proper accomplishment of it will not fail to bring high and lasting honor to him who shall achieve it. Who it shall be we cannot tell. But if we might respectfully venture a suggestion, it would be that we have in our own midst an honored professor and distinguished judge who possesses in such a high degree all the qualities of mind, and in addition such peculiar bonds of heredity and sympathy with the subject, that all things seem to point to him as pre-eminently qualified for this great task. But, who ever it shall be, if by these pages I shall have done even the least to forward it, I shall be profoundly grateful.

As I look back upon the pages of this paper I am reminded of the young lady who said that Hamlet and Othello were so full of quotations. I plead in extenuation, however, first, that it was best, wherever possible, that the Chancellor should tell his own story; and, secondly, that where others, so much better fitted than myself, have contributed to illustrate and adorn that story, it was best that they should do it here.

The situation may also remind us of the anecdote told of an aspiring member of the Yale class of 1866, who in his Freshman year was delivering his first oratorical effort. That effort, likewise, consisted mainly of a succession of extracts from the writings of one great man after another, with comparatively little of the Freshman's own work between; then finally, having thus borrowed from a number of the Fathers, he concluded with a long quotation, which, as he put it, was "from the pen of the great James Kent of the class of 1781, the famous Judge and Chancellor of the State of New York and the distinguished LINONIAN!"





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Chancellor Kent at Yale, 1777-
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